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THE IMPEACHMENT
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WARREN HASTINGS
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BY

P. J. MARSHALL

LECTURER IN HISTORY
KING'S COLLEGE
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TEXTUAL NOTE

Transliteration: in reproducing Indian words and names I have tried to follow the principles recommended by Professor C. H. Philips in *The Handbook of Oriental History* (1951), pp. 49–50. I am very grateful to Dr. B. N. Pandey of the School of Oriental and African Studies for his assistance in a task for which I lack the necessary linguistic knowledge. Familiar Anglicized versions of words and place names, such as 'sepoy' or 'Benares', have been retained.

In transcribing contemporary English sources, I have in general preserved the original spelling and punctuation, while expanding abbreviations and modernizing the use of capitals.

Currency: several different types of rupee were in use in eighteenth-century India. The two most common in Bengal were the Current Rupee (CR) and the Sicca Rupee (SR). 'The Current Rupee as an imaginary unit of account was always reckoned 16 per cent. worse than the Sicca (newly coined) Rupee of the Mogul regnal year . . .' (H. Furber, *John Company at Work* (Cambridge, Mass., 2nd printing, 1951), p. 349).

The usual rate of exchange for the Current Rupee during this period was 2s. A *lakh* of Current Rupees (CRs. 100,000) was therefore worth £10,000.

ABBREVIATIONS

Add. MSS.	Additional Manuscripts, British Museum.
Bodl. MS.	Manuscript in the Bodleian Library.
<i>Bond.</i>	E. A. Bond, ed., <i>Speeches of the Managers and Counsel in the Trial of Warren Hastings</i> , 4 vols. (1859-61).
B.R.C.	Bengal Revenue Consultations.
B.S.C.	Bengal Secret Consultations.
<i>Burke Corr.</i>	<i>The Correspondence of Edmund Burke</i> , i. ed. T. W. Copeland; ii. ed. L. S. Sutherland; iii. ed. G. H. Guttridge; iv. ed. J. A. Woods; v. ed. H. Furber (Cambridge, 1958-65).
<i>Burke Works.</i>	<i>The Works of the Right Honourable Edmund Burke</i> , Bohn's British Classics, 8 vols. (1854-89).
<i>Cal. of Persian Corr.</i>	<i>The Calendar of Persian Correspondence</i> , 9 vols. (Calcutta, 1919-49).
<i>C.Js.</i>	<i>Journals of the House of Commons.</i>
<i>Evidence.</i>	<i>Minutes of the Evidence taken at the Trial of Warren Hastings, Esq.</i> . . . (1789-94) [paged continuously in various volume arrangements].
G.G. & C.	Governor-General and Council.
<i>Gleig.</i>	G. R. Gleig, <i>Memoirs of the Life of the Right Honourable Warren Hastings</i> , 3 vols. (1841).
<i>H.M.C.</i>	<i>Historical Manuscripts Commission.</i>
H. Misc.	Home Miscellaneous Series, India Office Records.
<i>I.C.E.</i>	<i>The India Courier Extraordinary. Proceedings of Parliament relating to Warren Hastings, Esq.</i> , 10 vols. (1786-7).
<i>L.Js.</i>	<i>Journals of the House of Lords.</i>
<i>Minto Life and Letters.</i>	The Countess of Minto, ed., <i>The Life and Letters of Sir Gilbert Elliot, First Earl of Minto</i> , 3 vols. (1874).
Minutes.	'Minutes of Proceedings on the trial of Warren Hastings, . . .' [Add. MSS. 24222-48].
MS. Eur.	European Manuscript in the India Office Library.
<i>Parl. Hist.</i>	<i>The Parliamentary History of England, from the earliest period to the year 1803</i> , ed. W. Cobbett, 36 vols. (1806-20).
<i>P.R.H.</i>	<i>Papers Relative to Hastings's Impeachment</i> [copy in 3 vols. in the India Office Library of papers printed by order of the House of Commons (1786-7)].
P.R.O.	The Public Record Office.

Reports. Reports from the Secret and Select Committees of the House of Commons on India affairs of 1772-3 and 1781-3, reprinted in *Reports from Committees of the House of Commons*, vols. iii-vi (1803-6). [A reference without the date of the committee indicates the committee of 1781-3.]

R. MS. Manuscript in the John Rylands Library, Manchester.

N.B. The place of publication of all works cited is London, unless otherwise indicated.

INTRODUCTION

ON 23 July 1795 twenty-nine members of the House of Lords were asked to decide whether Warren Hastings was guilty or not guilty of 'unwarrantable and criminal practices' whereby 'the welfare of the East India Company has materially suffered, the happiness of the native inhabitants of India been deeply affected . . . and the honour of the crown, and the character of this nation, . . . wantonly and wickedly degraded.'¹ In Burke's view, Hastings should be judged by three standards: Acts of Parliament, the 'laws, rights, usages, institutions and good customs' of Indians, and 'the law of nature'.² There are, however, obvious difficulties in applying Burke's standards. The first has no bearing on several of the charges against Hastings, there is much uncertainty about the second, and the third is inevitably subjective. Faced with these difficulties, historians who have tried to assess the case against Hastings have tended to substitute their own criteria. So long as the Indian Empire remained in existence, these standards usually varied with what the author thought appropriate to the British India of his day. A striking example is provided by the controversy over the Nandakumar episode between the authoritarian Fitzjames Stephen, who believed that 'the notions of the ruler must prevail if he is to continue to rule',³ and the radical Henry Beveridge, who clearly regarded his attempted vindication of Nandakumar as consistent with his defence of the Ilbert Bill.⁴ More recently, the late P. E. Roberts, who contributed the acute and fair-minded chapters on Hastings to the *Cambridge History of India*, still asked himself if Hastings had deviated from what he regarded as 'the right course for English statesmen to follow in India'.⁵

¹ C.*fs.* xlii. 666.

² *Bond*, iv. 355.

³ *The Story of Nuncomar and the Impeachment of Sir Elijah Impey* (1885), ii. 71.

⁴ Beveridge's attitude to his book *The Trial of Maharaja Nanda Kumar: a Narrative of a Judicial Murder* (Calcutta, 1886) is described in his son's *India Called Them* (1947), p. 290.

⁵ 'Warren Hastings and his Accusers', *Journal of Indian History*, iii (1924), 92.

Since 1947, however, the incentive to pass judgement on British India by acquitting or condemning Hastings is obviously much reduced, and the historian can concentrate on explanations rather than verdicts. Refusal to take sides on ground which has been so fiercely contested in the past may seem an insipid and timorous course. But attempts to fit the impeachment of Hastings into the moulds of later controversy, and, in particular, to see it as a conflict between the advocates and opponents of imperial expansion have seriously distorted the views of both Hastings and his accusers. Detachment also makes it possible to do justice to the intentions of both Burke and Hastings and to appreciate the suffering inflicted by the impeachment on both of them.

In the first half of this book I have attempted to explain how Burke became convinced that Hastings had committed great crimes in India, why he achieved such a remarkable success in persuading the House of Commons to send Hastings to trial, and why the prosecution fared so badly in the House of Lords. It is clearly impossible to understand why Hastings was impeached without knowing something of the case against him. Between 4 April and 5 May 1786 Burke produced the following twenty-two 'Articles of Charge of High Crimes and Misdemeanors' against Hastings:

- i. The Rohilla War of 1774.
- ii. The ending of the Mughal Emperor's stipend and the transfer of the districts of Kara and Allahabad from him to the Nawab Wazir of Oudh.
- iii. The Benares charge, in which it was alleged that Hastings by his persecution had driven Raja Chait Singh of Benares to revolt in 1781.
- iv. The confiscation in 1781 and 1782 of the landed income and treasure of the Begams of Oudh.
- v. Hastings's treatment of the Nawab of Farrukhabad.
- vi. Hastings's 'destruction' of the Raja of Salon.
- vii. The awarding of corrupt and extravagant contracts.
- viii. The illegal receipt of presents from Indians.
- ix. Hastings's refusal to resign in 1777.
- x. The Surgeon-General's contract.

- xi. The contract for the repair of the *pulbandi* in Burdwan.
- xii. The opium contracts.
- xiii. The appointment of R. J. Sullivan as Resident to the Nawab of the Carnatic and the Nizam of Hyderabad.
- xiv. Hastings's treatment of the Rana of Gohad.
- xv. Hastings's revenue policy.
- xvi. Various aspects of Hastings's policy in Oudh, described as 'Misdemeanors in Oude'.
- xvii. Hastings's treatment of Muhammad Riza Khan.
- xviii. Hastings's support of the Maratha leader Sindhia's influence at Delhi in 1784 and 1785.
- xix. A 'libellous' letter of 20 March 1783 written by Hastings to the Court of Directors on the subject of Benares.
- xx. The Maratha War.
- xxi. The suppression of correspondence by Hastings.
- xxii. Hastings's treatment of the Rohilla Faizullah Khan.

These charges were debated by Committees of the Whole House in 1786 and 1787: the first charge was rejected, but the third, the fourth, the fifth, the seventh,¹ the eighth, the fifteenth, and the twenty-second were passed. Six of the seven charges which had been accepted were redrafted as 'Articles of Impeachment' to be presented to the House of Lords, and on 10 May 1787 the House of Commons voted that Hastings should be impeached on these articles. A seventh article was added on 17 May. The sixteenth charge—on Hastings's policy in Oudh—passed a Committee of the Whole House on 14 May and was subsequently divided into thirteen separate articles of impeachment, so that Hastings was prosecuted before the Lords on twenty articles in all. The Managers for the House of Commons gave evidence on Benares and the Begams of Oudh during the first year of the trial, on part of the presents article in the second, and on the rest of the presents with the contracts, the fourteenth article (dealing with a present from Oudh) and some of the material in the revenue article during the third and fourth years. The Managers concluded their case on 30 May 1791, offering no evidence on the rest of the articles.

¹ Including the twelfth but not the tenth or the eleventh charges.

The second half of this book consists of a discussion of the four principal charges—Benares, the Begams of Oudh, presents, and contracts—on which the House of Lords heard evidence. I have considered each charge more or less in isolation and have not tried to use this discussion to prove that Hastings did or did not deserve his acquittal or that he should or should not have been impeached. Apart from the problem of standards, as even Burke admitted, a final verdict on Hastings must depend not merely on 'some wrong actions during many years continuance in an arduous command', but on assessing the achievements as well as the blemishes of his administration.¹ Inconclusive as the second part of this study must inevitably be, I hope that, as well as being a necessary complement to the first part, it will also contribute to an understanding of certain problems of eighteenth-century British-Indian history. The contracts and the presents charges throw light not only on Hastings's financial standards but on conditions in the Company's service as a whole, while the material in the Benares and the Begams charges illustrates the strains which accompanied the expansion of the Company's influence beyond Bengal and the way in which Indian authority crumbled before it.

The means by which the Company had become one of the major powers in India in the years after the battle of Plassey had aroused misgivings in a large section of the British public. These misgivings reached their climax in 1787 when Warren Hastings, who had been Governor and Governor-General of Bengal from 1772 to 1785, was impeached by the House of Commons. Several factors helped to create a climate of opinion critical of the Company and of its servants. In a series of publications such as the Abbé Raynal's *Histoire philosophique et politique des Établissements et du Commerce des Européens dans les Deux Indes*² or Alexander Dow's *History of Hindostan*,³ Indian civilization was portrayed in a sympathetic

¹ To Francis, 10 Dec. 1785, *Burke Corr.* v. 242.

² The translation went through twelve editions between 1776 and 1794 (D. D. Irvine, 'The Abbé Raynal and British Humanitarianism', *Journal of Modern History*, iii (1931), 564-77).

³ The 1st edition appeared in 1768, the 2nd in 1770. The most sensational allegations occurred in a section inserted in vol. 3 of the 2nd edition, published in 1772.

light and lurid descriptions were given of European exploitation and oppression. Horace Walpole's hatred of the Company illustrates the effect of such accounts on a well-developed humanitarian conscience. To what extent specifically Christian humanitarianism had been stirred by misrule in India is uncertain. The group of Evangelicals who were to do so much to give practical effect to such humanitarianism was hardly in existence when Hastings's case came before the House of Commons, and the campaign to open India for Christian missions had not yet begun. William Wilberforce, the leading member of this group, was hostile to Hastings and played a most important part in the proceedings in the Commons. On the other hand, Hannah More, one of its sympathizers, thought Hastings sadly wronged.¹

The susceptibility of the majority of the eighteenth-century political class to literary influences is a matter of doubt. Disdain for the returned 'Nabob' and resentment at his intrusion in local affairs and even in parliamentary elections were probably an important factor.² But to most men the Company must have stood condemned by its recent history. For over twenty years its government of Madras and Bengal was marked by a succession of scandals; and, whatever the rights and wrongs of these episodes may have been, the intensity of the struggle for power in Leadenhall Street and the violence of personal vendettas in India ensured that they were represented to British public opinion in the most sensational way. Burke called William Bolts's *Considerations on India Affairs* . . . , the product of a vendetta, 'the first [book] that turned the national attention to the state of our affairs in the East Indies'.³ The failure of the Company not merely to fulfil the promise of enormous profits held out by the acquisition of the *diwani* in 1765, but to conduct its affairs without financial assistance from the state, did further damage to the reputation of its servants, whose personal fortunes seemed to provide an obvious explanation for this failure. By the time

¹ M. G. Jones, *Hannah More* (Cambridge, 1952), pp. 63-64.

² J. M. Holzman, *The Nabobs in England. A Study of the Returned Anglo-Indian 1760-1785* (New York, 1926).

³ To Bolts, 5 May 1786. *Burke Corr.* v. 263. The 1st volume of Bolts's work was published in 1772; two further volumes appeared in 1775.

Hastings was impeached, nearly every section of British political opinion was prepared to accept that serious crimes had been committed in India. While Burke and Fox led the attack on Hastings, George III wrote of 'shocking enormities in India that disgrace human nature'.¹ As in later periods with later imperial problems, Radicals were something of an exception; both John Wilkes and Thomas Erskine justified Hastings in extremely authoritarian terms.

Feeling against the Company rose in the late 1760's with the attack on Clive, which was taken up by a Select Committee of the House of Commons in the sessions of 1772 and 1773. The Select Committee produced resolutions condemning Clive which were rejected by the House. But anxiety caused by the Committee's disclosures left its mark in certain clauses of Lord North's Regulating Act of 1773, which attempted to curb abuses by the Company's servants. After the acquittal of Clive and the passing of the Regulating Act, pressure for Indian reform seems to have lacked any focal point until, in the late 1770's, Edmund Burke began to interest himself in the state of the Company's provinces. His tenacity, the warmth of his sympathies, his capacity for mastering detail, with his skill and experience in the House of Commons, made him a most formidable critic of the Company. From 1780 to 1784 the East India Company went through a crisis very similar to that of 1772-3. The government was again obliged to intervene in its affairs, and once again public anxiety about scandals helped to force the government's hand. As in 1772, pressure from outside the administration was channelled through a Select Committee, now dominated by Burke. Much of the agitation was again directed against an outstanding figure in the Company's service—on this occasion it was Warren Hastings. The new Select Committee was far more articulate than its predecessor in urging positive measures of reform. Its work culminated in the second of two India Bills, drafted by Burke and introduced by Fox in December 1783.² The Bills and the government were defeated, but many of the recommendations of the second Bill were included in Pitt's India Act of 1784.

¹ To Pitt, 17 July 1784, P.R.O. 30/8/103, f. 115.

² See below, p. 20.

Burke's work on the Select Committee appears in retrospect to have been the most constructive period of his Indian career. But he himself did not regard it as complete until he had brought about the punishment, or at least the further exposure, of the man against whom many of the Committee's reports had been directed. The Indian crisis subsided after 1784, but Hastings was not to escape as Clive had done. In the sessions of 1786 and 1787 Burke won a remarkable personal triumph in persuading the House of Commons to impeach Hastings.

PART I

THE PROSECUTION

I

BURKE AND HASTINGS

IN the ten years between the passing of Lord North's Regulating Act of 1773 and the introduction of Fox's India Bills, Burke's views on India changed almost completely. In 1773 he was largely concerned with resisting increasing government intervention in the affairs of the East India Company, and he did not believe that reports of abuses committed in India justified the assumption of greater powers by the state to regulate the Company. In 1773 he claimed that:

... every capital disorder has b[een] either redressed, or is going to be so: the g[rea]t questions of presents are few; the business of monopoly, and oppressive trade is almost knocked in the head; the trade [of the] Co[mpany] servants is almost knocked in the head; the anarchy [of the] Co[mpany]—the greatest grievance—is reformed by the beginning of a system, one [of the] most beautiful ever seen established in any place.¹

Ten years later, however, he was so convinced of the crimes perpetrated by the Company, that he considered it should be deprived of all responsibility for the government of India. The contrast in his attitude to the two great Company servants who faced accusations in England during this period is equally marked. While he regarded the proceedings against Clive as 'illegal, unjust, and impolitick',² and admitted that

¹ Egerton MS. 250, pp. 215-16.

² To C. O'Hara, 20 Aug. 1773, *Burke Corr.* ii. 452.

he had once been under 'the strongest prejudice' in Hastings's favour,¹ in 1783 he had pledged himself to bring Hastings to justice. This chapter attempts to chart the change in Burke's outlook on India and the growth of his hostility to Hastings.

Burke's almost Gladstonian capacity for conducting his political campaigns in the highest moral terms has led his critics to contrast the principles proclaimed in his crusades with what appear to be his less elevated motives for taking up a cause in the first place. Burke's career as an Indian reformer is at first sight vulnerable to this sort of accusation. It has often been pointed out that during the years when he was becoming increasingly suspicious of the Company in general and of Hastings in particular, he was much influenced by his 'kinsman' William Burke and by Philip Francis, Hastings's rival for six years in India. Both William, who is usually described as a bankrupt of dubious reputation whose affairs cannot easily be distinguished from Edmund's, and Francis, who is portrayed as a malignant seeker of personal revenge, have been harshly treated by the majority of historians. Furthermore, it is not difficult to show that, even if Burke had not been outraged by what he had learnt of Hastings, his political duties as 'man of business' to the Rockingham connexion of the parliamentary opposition would have led him to attack the Governor-General.

It seems undeniable that both Burke's association with William and with Francis and his political duties did much to change his outlook on India and to bring him into conflict with Hastings. It is hard to see that he would have taken so active an interest in the affairs of the Madras Presidency (his first experience of a specifically Indian problem) if William had not gone to Madras. Nor is it likely that he would have concentrated so much of his energy against Hastings if Francis had not become his principal source of information on the Select Committee of the House of Commons in 1782. But if the occasions on which Burke's attention was attracted to Indian questions owed much to others, and if those who influenced him were not conspicuous for their disinterestedness (although the case against William and Francis

¹ To Thurlow, [14 Dec. 1784], *ibid.* v. 204.

can be exaggerated), once his sympathies were engaged, Burke always seems to have decided his own course of action by what he genuinely believed were the best interests of the Company's Indian subjects. He appears neither to have been manipulated by others nor to have had private interests of his own. Political considerations undoubtedly helped to shape Burke's reactions to Indian issues up to the early 1780's; but by 1786 he could boast, with some justification, that he had 'no party in this business',¹ and the longer he persisted in his pursuit of Hastings the more serious a political liability it became.

The precise relationship between William Burke and Edmund has never been established. They had made their careers in England together and, to a degree which remains uncertain, they pooled their resources. Financial disaster both wrecked William's career and raised persistent doubts about his integrity. Many aspects of William's affairs are still obscure, and, in the present state of knowledge, his deliberate dishonesty is perhaps too readily accepted.² Those who knew him well described him as incompetent and irresponsible in money matters, but even Lord Cornwallis, often quoted as a hostile witness, called him a man of 'respectable character'.³ William had been engaged in extensive speculations in India stock, with Edmund's knowledge but apparently without his participation,⁴ from 1766 to 1769, when a sudden fall in the price of the stock left him, jointly with his patron, Lord Verney, with a heavy debt. Verney could no longer afford to keep him in parliament after 1774, and, like many others in a similar situation, William sought relief from his creditors and a quick fortune in India. In 1777 he was given the opportunity of taking dispatches to Lord Pigot, the Governor of Madras. Arriving after Pigot's death, he found another opening 'with the promise of great prosperity in my affairs' by becoming agent

¹ To Miss Palmer, 19 Jan. 1786, *Burke Corr.* v. 255.

² D. Wecter, *Edmund Burke and his Kinsmen* . . . (Boulder, 1939), contains the fullest account of William at present available.

³ Quoted *Burke Corr.* v. 298. See also Laurence Sullivan's comments on him in Bodl. MS. Eng. Hist. c. 269, p. 11.

⁴ *Burke Corr.* ii., Introduction, p. xviii.

for the Raja of Tanjore,¹ whom he served for five years in England and India. On the fall of North's government in 1782, Edmund was able to secure the post of deputy-paymaster to the King's troops in India for William. He had wildly optimistic plans for making an immense fortune out of the profits on remittances to Europe,² but these schemes came to very little, and in 1793 he was back in England—still impecunious.

Throughout his political career, Burke had taken a well-informed interest in the affairs of the East India Company, but it seems to have required the presence of William in India before he seriously concerned himself with the problems of the Company's Indian possessions. After 1777 he followed events in Madras very closely and was willing to act whenever he thought that the interests of the Raja of Tanjore were in danger. Had William made his fortune as agent to the Raja or as paymaster, he intended to put it at the disposal of the whole Burke family;³ but there is no reason to believe that there was anything mercenary about Edmund's enthusiasm for Tanjore. Burke's notorious family loyalty does not seem to have blinded him to William's lack of realism about his own financial prospects.⁴ Edmund does not, on the other hand, appear to have had any doubts about the soundness of William's sympathies and was perhaps insufficiently critical of William's version of the rights and grievances of the Raja of Tanjore.

Not only did William succeed in attracting Edmund's close attention to a specifically Indian problem for the first time, but he also helped to sow the seeds of his suspicion of Hastings. In reporting the fall of North's ministry, Edmund told William: 'Your enemies, your cruel and unproved persecutors, are on the ground, . . . I think . . ., the reign of Hastings is over.'⁵ Later he described how the Raja of Tanjore, 'that unfortunate prince, and harassed country', was to be freed 'from the wicked usurpation of Mr. Hastings'.⁶

¹ To 'George' [Cooke], 29 July 1778, Burke MSS. (Sheffield).

² To R. Burke, jr., 30 Dec. 1785, P.R.O. 30/8/118, f. 121.

³ W. Burke to Portland, 28 Sept. 1780, *Burke Corr.* iv. 292, and to R. Burke, jr., 30 Dec. 1785, P.R.O. 30/8/118, f. 121.

⁴ Burke to Adam Smith, 7 Dec. 1786, *Burke Corr.* v. 297.

⁵ P. 27 Mar. 1782, *ibid.* iv. 431.

⁶ 25 Apr. 1782, *ibid.* iv. 447.

These much-quoted extracts seem, however, to exaggerate William's hostility to Hastings. William certainly believed that Hastings was an enemy to the Raja of Tanjore, and some of his surviving correspondence contains strong criticism of Hastings on more general grounds.¹ But there is nothing in this correspondence which suggests that William could have been the inspirer of the attacks on Hastings in the reports of the Select Committee, let alone of the impeachment. The theory, held by some contemporaries, that William as paymaster had suffered a rebuff from Hastings seems to be totally without foundation.² William himself believed that he was in no way responsible for Edmund's hatred of Hastings. 'Oh my God', he told Edmund's son, 'there is something sad and at the same time ridiculous, that the foreign papers . . . should consider me as the spur and motive of your father's Eastern exertions, when in fact, his alarms for me, are the only stay or reserve that hangs on his mind, in that noble walk of his.'³

As a member of an opposition group, Burke's view of Hastings fluctuated with the state of Hastings's relations with the government. Hastings had been appointed Governor of Bengal in 1772. In 1773, when the government tried to acquire some control over the Company's Indian administration by setting up a Supreme Council, nominated in the first instance by the crown, he was confirmed as Governor-General. Apart from Hastings, the Council consisted of one other Company servant, Richard Barwell, two soldiers, General Clavering and Colonel Monson, and the extremely formidable ex-war-office clerk, Philip Francis, who is now generally thought to have been the author of the letters of 'Junius'. The effectiveness of the Supreme Council was immediately wrecked by the bitter quarrel which broke out between Hastings and Barwell and the three newcomers. The quarrel was partly one of principle: the newly appointed

¹ To R. Burke, jr., 7 Jan. 1785, P.R.O. 30/8/361, f. 68.

² This is also implied by Wecter (*op. cit.*, p. 86). In fact, William had practically no dealings with the Bengal government while Hastings was in India. He later compared the 'civil answer' he had received from Bengal with the 'deaf ear' turned to many of his requests by Lord Macartney, the Governor of Madras (to Cornwallis, 25 June 1788, P.R.O., P.M.G. 1/104, ff. 2-3).

³ To R. Burke, jr., P.R.O. 30/8/118, f. 122.

councillors discovered that Hastings had just concluded what they regarded as a discreditable war of aggression against the Rohillas; they quickly came to believe that Hastings and the majority of his fellow servants were personally corrupt; and Francis ultimately acquired views on the Company's domestic and foreign policy which differed from those of Hastings over a wide range of issues. The conflict of principle was accompanied by a clash of incompatible temperaments and by a contest for office, with the majority determined to discredit Hastings and to force him home. Eventually obliged to choose between the irreconcilable factions, the government chose to support the majority, and Hastings's stock with the opposition rose. Efforts to reconstruct the Supreme Council were frustrated by the death of Monson and Clavering, the refusal of the Court of Proprietors of the East India Company, actively encouraged by the Rockinghams,¹ to consent to the recall of Hastings, and the collapse of the agreement for his resignation. From 1776 to 1780 the North administration were burdened with a Governor-General of whom they disapproved, but whom they could not recall; while Francis, the only surviving member of the old majority, was left, with the assistance after 1777 of Edward Wheler,² to struggle acrimoniously but unavailingly against Hastings and Barwell. In 1780, however, after a crisis in the management of the Company at home, the government allied themselves with Laurence Sullivan, Hastings's champion among the Directors, and, as part of this alliance, extended their support to Hastings in India.³ As a result of this realignment of forces, Hastings became associated with Burke's political enemies at a time when Burke's own Indian connexions were beginning to raise doubts in his mind about the Governor-General.

Burke's first encounters with Hastings occurred through the tortuous politics of Madras. The Presidency of Fort

¹ L. Maclean to Hastings, 25 June 1776, *Gleig*, ii. 58.

² Wheler (1733-84) had been chairman of the Company in 1774-5. He supported Francis until the latter's departure in 1780, when he shifted his support to Hastings.

³ L. S. Sutherland, *The East India Company in Eighteenth-Century Politics* (Oxford, 1952), pp. 347-8. Sullivan (c. 1713-86) was the most experienced and vigorous Company politician of his age, and had been chairman of the Company three times.

Saint George was the weakest link in the Company's Indian possessions. Its government was rarely able to assert itself against the powerful private interests of those who thrived on encouraging the ambitions of Muhammad Ali, the Nawab of the Carnatic, and those who speculated in his debts. The record of Hastings's dealings with Madras is at first sight questionable. Only two of its Governors, Lord Pigot in 1776¹ and Lord Macartney from 1781 to 1785,² appear to have put up any real resistance to the Nawab and his European entourage; Pigot was overthrown by force and Macartney narrowly escaped the same fate. Yet Hastings sided with the Nawab against both men, and both believed, rightly or wrongly, that he had encouraged the plots against them. Hastings's sympathy for the Nawab was inevitably ascribed to corrupt motives by his enemies. This does not seem to have been the case. Hastings had served at Madras as second in Council from 1769 to 1772, but he assured his friends that he had taken no money from the Nawab.³ He also assured them that he was in no way involved in the scandal of the Nawab's debts,⁴ and in his official capacity he cannot be accused of favouring the Nawab's creditors.⁵ Hastings's own explanation of his willingness to support the Nawab was that he considered it an 'act of justice . . . necessary for the retrieval of the national faith' to protect the Company's ally from attempts by Pigot and Macartney to compromise his independence.⁶

Unfortunately for Hastings, on the closely related issues of Tanjore and the overthrow of Lord Pigot, Burke's suspicions were aroused against all those who sympathized with Muhammad Ali for whatever reason. Tanjore was a district in the southern Carnatic ruled by a Hindu dynasty who claimed complete independence from the Nawabs, except for the payment of an annual tribute fixed by treaty in 1762.

¹ Pigot (1719-77) had already been Governor of Madras 1755-63.

² Macartney (1737-1806) had been Chief Secretary in Ireland and Governor of Grenada.

³ e.g. to R. Palk, 12 Oct. 1770, *H.M.C. Palk MSS.* p. 140.

⁴ To P. Cust, 30 Jan. 1770, *Add. MSS.* 29126, f. 9.

⁵ This fact clearly emerges from the official proceedings of the Supreme Council on the Nawab's debts, collected in *H. Misc.* ccxvi.

⁶ Hastings's minute of 8 Jan. 1783, *H. Misc.* cccxiv. 362.

On a rather insubstantial pretext, the Company's troops had been used to annex Tanjore for Muhammad Ali in 1773. Determined agitation in London produced orders for the restoration of the Raja, and Lord Pigot was reappointed Governor of Madras to carry out these orders. The loss of Tanjore would be a serious defeat for the Nawab, and was likely to be resisted by him and by his creditors, many of whose loans were secured on the revenues of Tanjore. Pigot restored the Raja in April 1776, but on 24 August he was seized, obviously with the connivance of the Nawab, deposed by the majority on his Council, and kept in confinement until his death, perhaps surprisingly of natural causes, in May 1777.

The Supreme Council at Calcutta decided to recognize Pigot's captors as the lawful government of Madras. As Francis wrote, Hastings's opponents felt 'a great deal of personal animosity' against Pigot,¹ and the decision was taken unanimously; but most of the odium for it attached itself to Hastings. In an extraordinarily injudicious letter, he told the leader of the Madras Council: 'I both approve and applaud the measure.'² There were persistent rumours that Hastings had encouraged the plot against Pigot.³ He had certainly been bombarded with appeals for help for Muhammad Ali from John Macpherson, a plausible Scottish adventurer who was acting as the Nawab's adviser.⁴ 'If you do not *instantly* interfere,' Macpherson wrote, 'the Carnatic is lost.'⁵ Hastings's replies have not survived (Macpherson appears to have mutilated such as he kept).⁶ It is almost inconceivable that these letters can have contained any concrete promise of intervention, but, even in 1775, one of Hastings's friends pointed out to Macpherson that their

¹ To Bristow, 21 Feb. 1778, MS. Eur. F. 5, p. 654.

² To G. Stratton, 18 Sept. 1776, Add. MSS. 29137, f. 338.

³ There were remarkably detailed reports that Hastings's aid had been bought by remittances to Bengal (Bristow to Francis, 30 Jan. 1778, MS. Eur. F. 5, p. 545).

⁴ Macpherson (c. 1745-1821) went to India in 1767. He was in England as the Nawab's agent 1768-70, and was ordered home from India in 1776. He was appointed to the Supreme Council in 1781 and became Hastings's successor in 1785.

⁵ 14 Apr. 1776, Add. MSS. 29137, f. 176.

⁶ 27 May and - July 1776. H. H. Dodwell, ed., *Warren Hastings' Letters to Sir John Macpherson* (1927), pp. 41 and 43.

correspondence 'would, if known, be very liable to misconstruction'.¹

Hastings regarded the decision to restore Tanjore as a mistaken one. The 'zemindary' of Tanjore was, in his opinion, a 'member of the soubah or province of [the] Carnatic'.² He considered that 'ridiculous prejudices' had given 'the prerogative of royalty' to the Raja, while the Nawab, 'his undoubted sovereign, has been without scruple treated as a dependant'.³ He also thought that an independent Tanjore was 'the great and only resource' of the French on the Coromandel coast.⁴ But although Hastings disapproved of the restoration and wrote of Tanjore in terms which must have alarmed Burke, he was careful not to encourage the Nawab in any scheme for its recovery.⁵

Hastings's support for the Nawab was almost certainly disinterested, and there is no reason to believe that he ever contemplated any action against Tanjore which can reasonably be called a 'wicked usurpation'; but appearances were not in his favour and it is not difficult to see how Burke came to acquire his exaggerated view of the sinister connexion between Hastings and the Nawab. The activities of Hastings's agents in London must have done much to suggest such a connexion. In 1773 Lauchlin Maclean, an adventurer on a grand scale who had been ruined in the same speculations as William Burke, was sent to Bengal to save his creditors under Hastings's care.⁶ A year later he returned to England as the agent for the Nawab of the Carnatic, with a salary of £5,000⁷ and a commission to negotiate with the British government over the heads of the Company. Before he left India, Maclean persuaded Hastings to entrust his affairs in England to his care as well. Macpherson told Hastings:

... by espousing the side of the N— of the Carnatick so as to keep him in a good humour here and his friend (for such is the King) in

¹ From G. Vansittart, 6 May 1775, Macpherson MSS.

² 6th Report, Secret Committee, App. 376B, *Reports*, viii. 1084.

³ C. C. Davies, ed., *The Private Correspondence of Lord Macartney* (1950), p. 142.

⁴ To L. Sullivan, 6 Oct. 1771, Add. MSS. 29126, f. 85.

⁵ To G. Vansittart, 5 Mar. 1777, Add. MSS. 29128, f. 49.

⁶ For the earlier career of Maclean (c. 1728–78), see J. M. Maclean, *Reward is Secondary* (1963).

⁷ Bodl. MS. Eng. Hist. c. 269, p. 26.

the same at home on the affairs of his ally, you take the surest step to a quiet and powerful administration of India. And this more especially when you have His Highness's Min[ister] Plenipo[tentiar]y and one of your warmest friends (Mr. Maclean) in one person working for you at home.¹

Many of Hastings's friends in England took a less rosy view of Maclean, believing that he was prepared to sacrifice Hastings's interests to those of the Nawab; even if this accusation was unfounded, the identification between the two was to have unfortunate results. Maclean was drowned in 1778, but he was immediately replaced by Macpherson, who told Hastings, 'I have but one object, it is to make your support inseparable from the cause of the Nabob.' He at once established close relations with Laurence Sullivan, Hastings's most important English ally, and thus strengthened the impression that Hastings's interests and those of the Nawab were one and the same.²

The agents of the Nawab of the Carnatic were not, however, the only group from Madras who sought to win support in England, and Burke became involved in campaigns on behalf of Lord Pigot and the Raja of Tanjore and therefore in direct opposition to Hastings's agents. Pigot and his brother Admiral Hugh Pigot were political associates of the Rockinghams, who raised the question of Pigot's arrest in the House of Commons in 1777. Several speakers claimed that the Nawab was bribing the government to support him, while Burke commented that Hastings as the 'friend' of the Nawab was also the 'friend' of the 'court and ministry'.³ William Burke left for India in 1777 and returned a year later as the agent of the Raja of Tanjore, remaining in England until the summer of 1780. Edmund seems to have played a full part in William's efforts to protect the Raja of Tanjore's interests: articles putting the Raja's case appeared in the *Annual Register*;⁴ and, after William had left England

¹ 27 Sept. 1774, Add. MSS. 29135, f. 235.

² Macpherson to Hastings, 10 Feb. 1779, Add. MSS. 29143, f. 57.

³ *Parl. Hist.* xix. 285.

⁴ *Annual Register*, 1777, pp. 94-110; for a discussion of Burke's connexion with the *Annual Register*, see T. W. Copeland, *Edmund Burke: Six Essays* (1950), pp. 92-118, and 'Edmund Burke's Friends and *The Annual Register*', *The Library*, 5th series, xviii (1963), 29-39.

in 1780, Edmund conducted a successful resistance to a plan for forcing the Raja to contribute to the defence of the Carnatic. Burke attributed this plan to Laurence Sullivan, deputy chairman of the Company since April 1780, whose son Stephen was to be given the highly lucrative post of Resident at Tanjore,¹ and therefore presumably saw it as further evidence of the determination of Hastings and his friends to oppress Tanjore.² From Calcutta Hastings urged the Madras government to act 'without hesitation or reserve' in compelling the Raja to make a contribution to the Company.³ Burke was later to discover that a protégé of Sullivan's had succeeded in making William's return to India both hazardous and extremely uncomfortable.⁴

During 1780 and 1781 the scope of Burke's Indian activities widened as Indian affairs came before parliament with increasing frequency. Both the Company's charter and the Regulating Act of 1773 required renewal, while alarming reports were reaching England that the Company, at war since 1778 with the Marathas, had suffered a series of humiliations at the hands of Haidar Ali of Mysore. Faced with a dangerous situation in India and a refractory Company at home, North's government came to terms with Sullivan in 1780 and reconciled themselves to retaining Hastings in India. Francis finally left Bengal in December 1780, Wheler then changed sides, and two new members of the Supreme Council, John Macpherson and John Stables,⁵ were appointed in 1781, with instructions to co-operate with Hastings. Thus, almost for the first time in his career, Hastings was given unreserved support from the administration, the Court of Directors, and his colleagues. This support, however, inevitably exposed Hastings to attacks from the parliamentary opposition. One of his friends warned

¹ Stephen Sullivan (1742-1821) had been in India since 1778 in an attempt to make a quick fortune to save his father from ruin (see his father's instructions for his guidance, Bodl. MS. Eng. Hist. c. 269).

² Sullivan's plan and Burke's resistance to it are described in *Burke Corr.* iv. 303-12.

³ B.S.C., 26 Feb. 1781; Add. MSS. 28996, f. 407.

⁴ William's misfortunes on his journey have been skilfully reconstructed by Dr. Woods in *Burke Corr.* iv. 379-80.

⁵ Stables (d. 1795) had served in the Company's army and been a Director. He left India in 1787.

him that, 'since 'tis known that government intend to support you', the opposition 'are grown your ennemies; Burk the great orator is one of the leaders, but he will make nothing of it in General Courts;¹ he hath not yet knowledge sufficient of Indian affairs; he hath taken things superficially without distinguishing between clamour and realitys'.²

The news of Haidar Ali's victories over the Madras army in 1780 provoked recriminations and the search for a scapegoat. The immediate victim was Thomas Rumbold, the Governor of Madras,³ who was recalled by the Court of Directors to answer charges of negligence and corruption; but accusations were also made against Hastings. Francis's denunciations of Hastings's bellicosity were given wide publicity and Rumbold alleged that Hastings had provoked Haidar to attack the Carnatic by his acts of aggression against the Marathas. These accusations were taken up by the opposition. Burke described Hastings in March 1781 as a 'respectable person', but he had no doubt that he was the 'author' of the 'present ruinous Maratta war' and of the 'still less justifiable war against the Rohillas'.⁴ 'Nobody could believe', he told the House of Commons, 'but that the Mahratta war was one great cause of the irruption of Hyder Ally', and he called for an investigation of 'the conduct of the Council at Bengal' as part of any inquiry into the causes of the war in the Carnatic.⁵ This inquiry was undertaken by a Secret Committee, including several leading members of the administration, but the emergence of another Indian problem gave Burke an opportunity to take part in another parliamentary inquiry.

The Supreme Court set up in Calcutta by the Regulating Act of 1773 had become involved in a long series of disputes with the Bengal government over the extent of its jurisdiction. In December 1780 the House of Commons received petitions from the Court of Directors and from the

¹ Burke had taken out a qualification of £1,000 of India stock in October 1780, which enabled him to speak at the Company's General Courts.

² S. Pechel to Hastings, 8 Jan. 1781, Add. MSS. 29147, f. 24.

³ Rumbold (1736-91), 1st Bart., had served at Madras 1752-60 and on the Bengal Council 1766-9.

⁴ To Rumbold, 23 Mar. 1781, *Burke Corr.* iv. 344-5.

⁵ *Parl. Hist.* xxii. 118.

Supreme Council asking for the exclusion of the Court from cases connected with the Company's revenue. At the same time a carefully prepared petition arrived from Calcutta claiming the right to trial by jury in civil cases involving Europeans.¹ The petitions were referred to a Select Committee, largely composed of members of the opposition, in whose work Burke played a leading part. The Committee reported on the petitions on 8 May 1781 and produced a Bill which, with amendments, became the Bengal Judicature Act of 1781.

Most of the impulses for reform of the Bengal judicial system can hardly be called humanitarian. The Chief Justice of the Supreme Court, Sir Elijah Impey, commented on the demand for European juries: 'I have heard it was not impolitic to set a thief to catch a thief, but it has never yet been proposed at the Old Bailey to try a highwayman by a jury of highwaymen.'² Nor did the report of the Committee deal severely with Hastings. His side in the revenue controversy was upheld and Burke was reported to have said that he was willing to see 'arbitrary power' given to 'the Governor and Council'.³ On the Nandakumar case, the report merely discussed 'the effects produced upon the minds of the natives, by the punishment of death, inflicted . . . on a native of high rank . . .'.⁴ It was not until the next session that the Committee decided that they could not 'conceive it possible' to treat the case as a 'common judicial proceeding'.⁵ Even if the contrast between the Select Committee's report in 1781 and its later reports is very striking, Burke's work on the Judicature Act is an important stage in the development of his Indian interests. It shifted his attention from Madras to Bengal, and also left its mark on his thinking on Indian questions. In much of the evidence printed by the Select Committee the Supreme Court was portrayed as trampling upon Indian traditions and customs; insistence that Indian institutions should be preserved from alien impositions was to recur in practically everything that Burke later said or wrote about India. When the next session of parliament began in the

¹ A. Spencer, ed., *Memoirs of William Hickey* (1918), ii. 177-88.

² To Kirby, 26 Mar. 1779, Add. MSS. 16259, f. 183.

³ *Parl. Hist.* xxii. 550.

⁴ *Reports*, v. 44.

⁵ *Reports*, v. 413.

winter of 1781, the Select Committee was reconvened with the much wider commission of considering 'how the British possessions in the East Indies may be held and governed with the greatest security and advantage to this country, and by what means the happiness of the native inhabitants may be best promoted'.¹

In the session of parliament which opened in December 1781 Burke began his association with Philip Francis. The return of Francis to England was a turning point in Burke's relations with Hastings. During 1781 Burke had become increasingly critical of Hastings, but he could still refer to him as a 'respectable person'; a year later he was classing him as one of the 'Indian delinquents'² and calling for his punishment. The Select Committee's report in the summer of 1781 had been comparatively lenient in its treatment of Hastings; its reports in the early months of 1782 smote him hip and thigh. In retrospect, Burke always implied that the new terms of the Select Committee had compelled him for the first time to give his full attention to Bengal and thus for the first time he had become aware of the real nature of Hastings's rule. It is certainly true that the Select Committee's investigations in 1782 would have given Burke much more knowledge of recent events in Bengal than he had previously possessed. It is also true that during 1782 and 1783 news reached England of some of the most questionable episodes in Hastings's career, such as the revolt of Chait Singh at Benares or the confiscations from the Begams of Oudh. But it is very hard to believe that the attack on Hastings could have been either so violent or so quick to develop if the Committee had not been provided with a most articulate witness anxious to inflict on Hastings as much damage as he could. Francis had opposed Hastings during his six years in India and he was determined to bring about his disgrace and recall. In spite of perfunctory denials to his correspondents, there can be little doubt that Francis hoped to go back to India as Governor-General in Hastings's place. Shortly after his arrival, he began to supply Burke and the Select Committee with a mass of inflammatory material directed against Hastings.

¹ *C.J.s.* xxxviii. 600. ² To Rockingham, 27 Apr. 1782, *Burke Corr.* iv. 449.

Crucial as Francis's influence seems to have been in directing Burke's energies against Hastings, this influence would hardly have had the effect which it did if Burke's previous Indian experiences had not made him receptive to it. There is much evidence in Burke's speeches and letters which suggests that the attitude which he was to adopt to Indian problems was already formed before Francis arrived in England. Burke did not need Francis to tell him that much was amiss in India. For at least a year he had been denouncing the Company's servants with the violence that was later to become habitual to him.¹ He had also begun to diagnose specific abuses: he believed that the Company's servants were 'rapacious for dominion',² and that in their own provinces they were breaking down the authority of Indian rulers by excessive demands for revenue. The remedies he proposed—strict control of the Company's administration from home³ and the fixing of 'ancient and certain payments'⁴—already foreshadowed Fox's India Bills. Presumably through his acquaintance with Tanjore, Burke had formed a conception of a rigid code of Indian customary rights (later to prove unacceptable to William)⁵ which made him extremely sympathetic to the plight of the Bengal *zamindars* or of Raja Chait Singh of Benares, as portrayed by Francis.

While it is of course unfortunate that Burke should have owed so much to so partisan a source, his reliance on Francis is less inexplicable than is sometimes assumed. Ambition and the desire for revenge seem to have been only one side of Francis's character. A man of great intellectual power, and even greater intellectual self-confidence, he despised what he regarded as the incompetence and the corruption of his enemies. He does not seem to have shared Burke's zeal for the welfare of Indians as an end in itself, but he believed that

¹ e.g. his speech at a General Court of the Company on 21 Dec. 1780, cited J. Barrow, *Some Account of the Public Life . . . of the Earl of Macartney* (1807), i. 73.

² *Parl. Hist.* xxii. 128.

³ Notes taken by J. Robinson, 12 Jan. 1781, Add. MSS. 38405, f. 10.

⁴ Loughborough to Burke, 20 Dec. 1780, *Burke Corr.* iv. 324.

⁵ 'Do say for me to your father that the abstract right of things in the East has scarcely an existence, all is usurpation and force' (to R. Burke, jr., 30 Dec. 1785, P.R.O. 30/8/118, f. 123).

Bengal was in a state of rapid decline and that the prosperity of its inhabitants must be restored if it was to be of any practical value to Britain. To bring about this recovery, he had a clearly thought out, if over-theoretical, programme of reforms which he expounded with great force.¹

Francis established friendly relations with the Burkes while he was still in India. Before he left England, he secured a meeting with Edmund,² which, considering that his future career depended on the goodwill of the administration and contacts with the opposition can have been no more than a long-term insurance, appears to have been surprisingly fruitful. Through a mutual friend, Francis wrote in fulsome terms of the scope for Edmund's talents in India,³ and was told that Edmund had tried to send William to Bengal within 'the reach of your assistance'.⁴ William, evidently believing that Hastings was committed to the Nawab of the Carnatic, hoped to enlist Francis on the side of the Raja of Tanjore, and promised in return to do 'all in my little power to have a sense felt of your situation'.⁵ Hastings was told that his 'information' caused 'a great clamour against you, and Mr. Barwell'.⁶ For his part, Francis had no desire to become entangled with Tanjore, and suspected that any 'unseasonable zeal' of his would give offence to the government.⁷ But when he arrived in England the political situation was changing. With the North ministry sinking, and in any case allied with Sullivan and Hastings, Francis, after considerable hesitation, decided that his best chance of overthrowing Hastings lay in co-operation with the opposition and the Select Committee.

The Select Committee were confronted by Major John Scott, a new agent appointed by Hastings but of a very different calibre from either Maclean or Macpherson. Fresh from India, Scott was completely without finesse or English

¹ The intellectual origins and implications of Francis's views are discussed in R. Guha, *A Rule of Property for Bengal* (Paris, 1963).

² Burke to Rockingham, 20 Oct. 1773, *Burke Corr.* ii. 472.

³ To J. Bourke, 30 Nov. 1774, J. Parkes and H. Merivale, edd., *Memoirs of Sir Philip Francis* . . . (1867), ii. 18-19.

⁴ Bourke to Francis, 29 Apr. 1777, *ibid.* ii. 100-1.

⁵ 29 July 1778, Burke MSS. (Sheffield).

⁶ Woodman to Hastings, 18 May 1778, Add. MSS. 29140, f. 389.

⁷ To W. Ellis, 2 Feb. 1778, MS. Eur. F. 5, p. 569.

political experience, but he possessed unflagging energy. He was determined to give the lie to every possible accusation against Hastings, by composing or commissioning a stream of pamphlets and paragraphs in the press, by lobbying any prominent man who would listen to him and by appearing before the Select Committee within four days of his arrival in England. His efforts and those of Francis succeeded in reducing most Indian issues to simple personal terms. Such a situation had its advantages for Hastings—his allies were able to use his name as a symbol of the Company's independence in resisting attempts to remove him¹—but it also had grave dangers. One astute observer pointed out that 'by appearing in the person of his agent', Hastings had made it very much easier for his 'inveterate enemies' to turn the Committee's inquiries against him.² Scott also assumed from the outset that Burke was irreconcilable and was more than willing to enter into personal combat with him.³ Finally, when Burke is accused of visiting the sins of the Company on a single individual, it should be remembered that he was accepting the estimate of Hastings's importance which Scott and others had tried to create.

The Select Committee was reconstituted with new powers on 4 December 1781 and remained in being until December 1783. It published eleven reports on various aspects of the administration of Bengal, nearly all of which passed censure on Hastings. Burke later wrote that some of the reports were 'entirely' his and that he had 'diligently perused' the material for all of them.⁴ His work on the Select Committee gave Burke far more detailed knowledge about India than that possessed by any comparable political figure. The Committee began the new session by investigating the appointment of Sir Elijah Impey, the Chief Justice of the Supreme Court, to a salaried post under the Company. The report, published on 5 February 1782, condemned both Hastings for offering

¹ Sutherland, *East India Company*, p. 381.

² James Macpherson reporting John Robinson's opinion to John Macpherson, 5 Jan. 1782, Macpherson MSS.

³ The only direct approach to Burke on Hastings's behalf seems to have been made by Samuel Pechel, who warned Burke of the consequences of Hastings's removal (letter of 2 Apr. 1782, Burke MSS. (Sheffield)).

⁴ To Miss Palmer, 19 Jan. 1786, *Burke Corr.* v. 254.

the salary and Impey for accepting it. The tone of the report was very much more hostile to Hastings than that of the previous session, and the Committee went on to consider Hastings's 'disobedience of orders'.¹

Before the Committee could report again, North's ministry had fallen, and in March 1782 Burke was given office in the administration formed by Rockingham. The fall of North was closely followed by the election of a Court of Directors a majority of whom were hostile to Hastings and Sullivan. Hastings was told that on the day the new ministry took office Burke had 'declared . . . he should move for your removal'.² But before Burke could give substance to his threat, the initiative was taken out of his hands by Henry Dundas and the Secret Committee. Dundas, who was to make himself an expert on Indian affairs second only to Burke, had been taking an increasingly large part in the direction of Indian policy under North and was to dominate it in the short-lived Shelburne ministry and the government of the younger Pitt. During 1781 the Secret Committee had been investigating the causes of Haidar Ali's invasion of the Carnatic. Hastings had been warned that their findings might be unfavourable to him, but their responsibility to the government had kept them from making any open attack on him. In December, however, the Committee turned to an inquiry into 'the rise, progress, conduct, and present state of the Maratta War'.³ Freed from restraint by the fall of North, Dundas produced a string of resolutions on 15 April 1782 condemning Hastings's foreign policy as one of aggrandizement, 'repugnant to the wish, the honour, and the policy of this nation'.⁴ Dundas's resolutions were given enthusiastic support by Burke and Fox, but it was widely rumoured that he was under pressure from Lord Shelburne and the ministers associated with him to delay the passage of his resolutions through the House.⁵ The arrival of the first news of Chait Singh's revolt gave fresh impetus to the attack on Hastings, and after the Secret Committee had issued a special

¹ Scott to Hastings, 3 Mar. 1782, Add. MSS. 29153, f. 175.

² Same to same, 26 Mar. 1782, *ibid.*, f. 170.

³ *C.J.s.* xxxviii. 600.

⁴ *Ibid.* 1032.

⁵ Scott to Hastings, 25 Apr. 1782, Add. MSS. 29154, f. 173.

report on 27 May, on the next day the House passed Dundas's resolutions with the injunction that it was the duty of the Company to recall Hastings. This injunction met with open defiance. Hastings's allies called a meeting of the Proprietors of East India stock who passed by an overwhelming majority a vote denying the right of the House of Commons to dictate to the Company. Divisions within the ministry prevented any more drastic action. With the death of Rockingham in July the ministry broke up and Burke went into opposition. In the Shelburne administration chief responsibility for India passed to Dundas, who made another attempt to remove Hastings but was again frustrated by the Court of Proprietors.

On 9 April Burke called for the punishment of those whose 'malpractices' had brought the 'British nation' into 'such disgrace'.¹ Burke's colleagues did not at first share his determination to prosecute Hastings as well as to recall him (Fox spoke on 28 May of Hastings's 'unimpeached integrity');² and Dundas never did. Dundas argued that Hastings must be recalled because he had lost the confidence of Indian rulers, but he was quite willing for it to be known that recall was as far as he intended to go; he was reported to have said, 'he knew nothing criminal against Mr. Hastings, nor should he attempt to prove anything criminal'. When parliament reassembled in December 1782, Burke finally 'pledged his character against Mr. Hastings' with the 'strongest marks of passion in his countenance'.³ The Shelburne administration fell in February 1783 and Burke once again returned to office in the government made possible by the coalition between Fox and Lord North. Fresh rumours began to circulate that Hastings would be removed, this time by Act of Parliament, but once again divisions within the administration appear to have prevented any decisive action.⁴ More reports were issued by the Select Committee, and Burke again 'pledged himself to God, to his country, to that House, and to the unfortunate and plundered inhabitants of

¹ *Parl. Hist.* xxii. 1289.

² *Parliamentary Register*, vii. 198.

³ Scott to Hastings, 21 Dec. 1782, Add. MSS. 29157, f. 232.

⁴ Scott to Hastings, 4 July 1783, Add. MSS. 29160, f. 39, and James Macpherson to G. A. North, 31 May 1783, P.R.O., C.O. 77/24.

India, that he would bring to justice, as far as in him lay, the greatest delinquent that India ever saw'.¹

During the summer recess of 1783, Burke began work on the plans that were to emerge as Fox's India Bills. An account by Sir Gilbert Elliot can be added to the evidence already indicating that Burke was the Bills' principal author.

I breakfasted to-day with Burke at Mr. Fox's. . . . Everything is very much afloat, except that a commission of the sort I mentioned to you with very extensive powers is quite determined upon. Burke is to draw out on paper some sort of plan which Fox is to consider as soon as possible.²

The Bills were presented to the Commons on 18 November 1783. The first Bill dealt with the administration of the Company at home by appointing seven commissioners, chosen for four years and only removable by parliament, who were to control the Company's territorial possessions, and nine assistant commissioners, who were to manage its commercial affairs. The second Bill laid down rules which were to be observed by the Company's servants in the internal government of their provinces and in their relations with Indian powers. In making the commissioners to be nominated by parliament, the Coalition hoped to avoid the stigma, laid on all previous attempts to regulate the Company, that they were aiding the increase of royal patronage. But they exposed themselves to the equally damaging accusation that they were destroying chartered rights to create new sources of patronage for themselves. The outcry against the Bills helped to give some respectability to the means by which the King turned out a government that he hated. He communicated his dislike of the Bills to certain peers and they were duly defeated in the House of Lords on 17 December 1783, when the 'men of resolution' who had been making their preparations were ready to bring forward William Pitt.

Free use was made of Hastings's name in uniting the Company against the Bills. A meeting of the Proprietors was called on 7 November to demonstrate against them by sending thanks to Hastings and urging him to stay in

¹ *Parl. Hist.* xxiii. 800.

² To his wife, 20 Aug. 1783, Minto MSS. M. 17.

India. His importance as a symbol was also appreciated by some members of the government; hostile references to him were omitted from speeches and it was intimated to his supporters that his recall would not necessarily be followed by his prosecution.¹ On the day the Bills were introduced, Richard Brinsley Sheridan came to Hastings's friend Nathaniel Halhed² with a proposition about which there is considerable obscurity. Scott later claimed that Sheridan had been authorized by Fox to offer Hastings immunity if his friends dropped their opposition to the Bills. Both Sheridan and Halhed denied that there had been any attempt to strike a bargain,³ and Scott withdrew his claim. As Sheridan later said that all he had wanted to know was whether Hastings would 'come home without resistance',⁴ it seems possible that the government were seriously concerned about the astonishing reports that the French were offering Hastings an expeditionary force with which he could proclaim himself 'the sovereign prince of Indostan'.⁵

Burke had never practised restraint when referring to Hastings, and as his colleagues began to recognize the great danger in which they had been placed by the Bills most of them abandoned it. In introducing his proposals, Fox had asked the House to keep the question of Hastings entirely separate from them, but on the second reading he spoke of a 'despotism, unmatched in all the histories of the world'.⁶ Burke, in his great speech of 1 December, met every criticism of the Bills with a catalogue of the Company's crimes, nearly all attributed to Hastings, and concluded that to keep the *fides latronum* with the Company, 'I must break the faith, the covenant, the solemn, original, indispensable oath, in which I am bound, by the eternal frame and constitution of things, to the whole human race.'⁷

¹ On 10 Nov. Scott told Hastings that an approach had been made to him through Lord Loughborough (Add. MSS. 29161, f. 109).

² Halhed (1751-1830) was a school friend of Sheridan who had just returned from Bengal.

³ *Parl. Hist.* xxv. 1198; and Scott to Halhed, 9 Sept. 1787, Add. MSS. 29170, ff. 443-4.

⁴ *Public Advertiser*, 13 Mar. 1786.

⁵ R. Oakes to E. Nepean, 13 Dec. 1783, P.R.O., C.O. 77/25.

⁶ *Parl. Hist.* xxiii. 1407.

⁷ *Burke Works*, ii. 220.

II

PRELUDE TO THE IMPEACHMENT 1784-1785

IN December 1783 Hastings's reputation had been an important issue in a major political crisis. In the debates on Fox's India Bills he had been violently attacked by most speakers for the Coalition and defended by the supporters of the future Pitt administration. During 1786 the opposition resumed their attack on him and carried articles of impeachment against him, with the acquiescence of Pitt and many of his ministers. The triumph of a minority in the Commons on ground on which they had been so severely defeated two-and-a-half years previously naturally provoked many attempted explanations.

Most of these explanations were based on misconceptions about Hastings's part in the East India Bills crisis and the reasons for which Pitt's supporters had taken up his cause. They assumed that the alliance between Pitt and Hastings was substantial and permanent and therefore searched more or less plausibly for Pitt's motives in breaking it. In fact, Fox's Bills were only the pretext on which an English political crisis came to a head; if Burke really believed that the 'delinquency' of the Company's servants was 'the ground upon which the late parliament stood and fell',¹ he must have been the only person who did. The Bills were defeated not on their merits as a piece of Indian legislation, but because they presented an opportunity for staging 'an assault upon a ministry which was hateful to the King'.² Those who opposed the Coalition recognized that the implications of the Bills' being carried against the united resistance of the Company was an issue on which the widespread unpopularity of the government could find an outlet. They also recognized the importance of Hastings's name in consolidating opposition

¹ To T. Burgh, 1 July 1787, *Burke Corr.* v. 341.

² Sutherland, *East India Company*, p. 366.

within the Company to the Bills. Thus, while Fox's associates made ineffectual approaches to Scott, Lord Thurlow and Lord Temple, two of the leading figures in the overthrow of the Coalition, paid him elaborate attentions.¹ As the storm provoked by the Bills increased in intensity, Coalition speakers stepped up their efforts to justify them as the only possible remedy for abuses in India, which opposition speakers naturally tried to minimize. In this way the attack on the Coalition and the cause of Hastings became identified to a considerable degree. This identification did not continue once the conditions of 1783 no longer existed. The alliance between Hastings and Pitt was accidental and temporary. When Hastings was attacked again, without the background of an English political crisis, the reactions of Pitt and his supporters were to be completely different; the general misgivings felt by most members of the parliamentary class about the Company's rule and serious doubts about some aspects of Hastings's career, rather than political calculations, induced them to vote for his impeachment.

The illusion that Hastings was closely connected with Pitt's government was fostered by the more sanguine of Hastings's allies, such as Scott, and, for different reasons, by the defeated Coalition. Opposition propaganda portrayed the new government as the tool of royal favour and East Indian corruption, owing many seats in the 1784 election to the wealth of returned Company servants. Burke warned Dundas that:

A body of men, united in a close connexion of common guilt and common apprehension of danger . . . , and possessd of a measure of wealth and influence which perhaps you yourself have not calculated at any thing like its just magnitude, is not forming, but actually formed in this country. This faction is at present ranged under Hastings as an Indian leader; and it will have very soon, if it has not already, an English leader of considerable enterprise and no contemptible influence. If this faction should now obtain a triumph it will be very quickly too strong for your ministry.²

Belief in an Indian lobby and, in particular, in a 'Bengal squad' elected in 1784, was not confined to the opposition.

¹ Scott to Hastings, 20 Dec. 1783, *Gleig*, iii. 100.

² 25 Mar. 1787, *Burke Corr.* v. 314.

Many commentators on the impeachment believed that Pitt would feel obliged to protect Hastings in deference to his Indian supporters, while others felt that he would vote against him to prove his independence of them. In fact, both the number of returned Indians in the new parliament and their cohesion as a group seem to have been exaggerated. Only three members who had served in Bengal under Hastings, and who had not joined the opposition to him, were elected for the first time in 1784.¹ With Hastings's close friend Sir Francis Sykes and his former colleague Richard Barwell, who were already in the House, and a small number of other members connected with India, they formed a group who might be expected to be sympathetic to Hastings. Three more of Hastings's friends came in through by-elections in 1787,² and several more after the 1790 election.³ In view of the Coalition's Indian policy, most members associated with the Company naturally supported Pitt's government. Its electoral manager John Robinson found seats for several of them in 1784,⁴ but they would almost certainly have sought seats for themselves if his help had not been forthcoming, and there is little evidence that they felt themselves closely tied. This was certainly true in Hastings's case. Lord Thurlow, the Lord Chancellor, urged Scott to enter parliament. Scott hoped for an uncontested seat from which he could support the government on an independent footing. 'There is no reason I am sure', he told Hastings, 'why you who have ever stood aloof from all parties, who have ever depended on the most independent and honourable terms. . . , should be made the instrument of a party in this country. . . .'⁵ The government were equally anxious to avoid any open connexion with Hastings. Scott was told that his standing for West Looe, where he was returned, was to be deplored,

¹ Scott (West Looe), L. Darell (Hedon), G. Vansittart (Berkshire). C. H. Philips, *The East India Company 1784-1834* (Manchester, 2nd ed., 1961), App. I, list ii.

² G. Sumner (Ilchester), R. J. Sullivan (New Romney), Lt.-Col. W. Popham (Milborne Port)—omitted from Philips's list.

³ Sir E. Impey (New Romney), Sir J. D'Oyley (Ipswich), N. B. Halhed (Lymington, 1791), R. Johnson (Milborne Port, 1791), E. Law (Westbury), J. Sullivan (Old Sarum), G. Templer (Honiton).

⁴ W. T. Laprade, ed., *The Parliamentary Papers of John Robinson* (1922), pp. 126, 128-9.

⁵ Scott to Hastings, 11 Mar. 1784, Add. MSS. 29162, f. 363.

since the ties of the borough's proprietor with the administration were so well known, that it 'would be said both within and without doors . . . , that I was brought in by Mr. Pitt'.¹

Nor is there much evidence to suggest that returned Indians acted as a pressure group in parliament. The process of remitting an Indian fortune home was often a lengthy one, but, unless they entered the Court of Directors, most 'Nabobs' severed their connexions with the East and, unlike West Indian planters, had no special interests to protect. In general they seem to have fallen into two categories, neither of which would wish to remind the House of its Indian past. In the first place, there were men who had entered the Company's service at an early age and had acquired an independence when still young enough to hope to make a career in English public life. Secondly, there were those who were apprehensive of attacks on themselves and wished to be at the scene of action in the House of Commons. Ex-Company servants were not Hastings's most prominent defenders, and the much-propheesied mutiny against Pitt's support of the impeachment never took place. Indeed, Hastings's closest allies, Scott and Sir John D'Oyley,² did not vote against the government until the Russian crisis of 1791.³ In short, the view expressed by one contemporary that: 'The East Indians in the House are not, however, of much consequence, and they are never unanimous, so there is not much to be apprehended in disgusting a part of them', seems to have been a realistic one.⁴

It was commonly thought that the links between Pitt's government and Hastings were strengthened by the high favour in which Hastings was held by the King and by certain ministers. The King's enthusiasm for Hastings was the subject of many absurd rumours. Secret influence theories, similar to those of the 1760's, reappeared after 1784, with Lord Shelburne—now the Marquess of Lansdowne—cast as Bute. Hastings's connexions with Lansdowne were

¹ Scott to Hastings, 27 Mar. 1784, Add. MSS. 29163, f. 49.

² D'Oyley (1754-1818), 6th Bart., had been Persian Translator and Resident at Murshidabad.

³ Hastings's Diary, 29 Mar. 1791, Add. MSS. 39882, f. 54.

⁴ D. Pulteney to Rutland, 21 Mar. 1785, *H.M.C. Rutland MSS.* iii. 193.

supposed to be close,¹ and he and the 'East Indians' were usually given parts in the plot; for instance, Sir Gilbert Elliot was speculating in 1787 on the formation of a cabal to defeat Pitt on the impeachment 'by a secret interior intrigue', which would enable Lansdowne's 'coming in with the Grenvilles'.²

Within limits, the King was certainly sympathetic to Hastings. He had not always been so, and he had strong views about the Company's rule, writing to Pitt that he hoped the India Act of 1784 would 'lay a foundation . . . for correcting those shocking enormities in India that disgrace human nature'.³ In 1779 he had been urging a reluctant North to recall Hastings,⁴ but by 1782 Lord Mansfield was able to assure Scott of 'the King's personal regard and esteem'.⁵ His loathing for Fox and Burke obviously increased his sympathy for Hastings, and he gave him a very cordial reception on his return to England. On Burke's first motion for papers against Hastings, the King commented:

It is very unpleasant to me to observe by Mr. Pitt's note that he has been detained at the House of Commons by the fertile imagination of Mr. Burke; I trust on the resuming the subject on Monday the House will be too wise to be as long detained and to so little effect; a good division after a pretty general call for the question is the only means of counteracting those who only stir up debate for the purpose of delay.⁶

But as the impeachment developed, the King took no active steps to influence the course of the debates. After the Benares vote, he wrote:

Mr. Pitt would have conducted himself yesterday very unlike what my mind ever expects of him, if as he thinks Mr. Hastings's conduct towards the Rajah was too severe, he had not taken the part he did, though it made him coincide with [the] adverse party; as to myself I owne I do not think it possible in that country to carry on publick

¹ Lansdowne had taken some steps to cultivate Hastings while he was in India, and on his return Hastings's diaries record several meetings between them; it is hard to imagine that these meetings had any political significance.

² To his wife, 27 Mar. 1787, *Minto Life and Letters*, i. 140.

³ 17 July 1784, P.R.O. 30/8/103, f. 115.

⁴ 11 May 1779, J. Fortescue, ed., *Correspondence of King George the Third* . . ., vi (1928), 339.

⁵ Scott to Hastings, 11 July 1782, Add. MSS. 29155, f. 63.

⁶ To Pitt, 18 Feb. 1786, *H.M.C. 12th Report*, App., pt. ix (Smith MSS.), p. 350.

business with the same moderation that is suitable to an European civilized nation¹.

When the trial began, Lord Bulkeley reported:

I have made every inquiry whether the King ever expresses himself to his people about him in favour of Hastings, and I am told he is very guarded and reserved on his subject, but that some *females*² in his house talk loud and warmly in his favour, which occasions the attributing the same opinions to him.³

As Hastings's name became increasingly involved in controversy in England, his allies reported signs of sympathy towards him from certain political figures; on their advice, he tried to cultivate such sympathy by the use of his patronage in India. By the 1780's he was looking after a cousin⁴ of Lord Bathurst, the Lord Chancellor from 1771 to 1778, William Hickey's crony Robert Pott⁵ for Bathurst's successor Lord Thurlow, the son of the Archbishop of York,⁶ and Sir Thomas Mills for Lord Mansfield.⁷ The sense of obligation felt by the recipients of this sort of bounty should not, however, be overestimated; Hastings also appointed Colonel Charles Cooper, an illegitimate son of Lord Holland, as his military aide-de-camp in order to ingratiate himself with Charles Fox.⁸ Most of those who had received Hastings's patronage had lost such influence as they had ever possessed

¹ 14 June 1786, P.R.O. 30/8/103, f. 196.

² See A. Dobson, ed., *Diary and Letters of Madame D'Arblay*, iii (1905), especially p. 271.

³ To Buckingham, 27 Apr. 1789, Duke of Buckingham and Chandos, *Memoirs of the Court and Cabinets of George III*, ii (2nd ed., 1853), 154.

⁴ Robert Bathurst (1754-1821) served in Oudh until 1781; appointed to supervise revenue collections in Bihar in 1782.

⁵ Pott (d. 1795), after many vicissitudes, became Resident at Murshidabad in 1785.

⁶ William Markham (1760-1815) became Hastings's private secretary and was Resident at Benares 1780-3.

⁷ Mills (d. 1793) had been forced to leave England by financial embarrassments. Mansfield gave him warm recommendations to Hastings (23 Jan. 1782, Add. MSS. 39871, f. 29), and he appears to have been given a share in the profits of the Resident of Benares's opium monopoly (Mills to James Macpherson, 8 Dec. 1782 and 5 Dec. 1784, Macpherson MSS.; Markham to J. Benn, 22 Apr. 1783, MS. Eur. F. 3, no. 61).

⁸ Cooper (fl. 1747-88) needed 'five or six thousand pounds in a reasonable time' to 'discharge all his incumbrances' (*Macartney Corr.*, p. 16). For his appointment, see copy of Hastings's minute, 8 Apr. 1782, Add. MSS. 29233, ff. 32-33.

by 1786, but Thurlow, who remained Lord Chancellor until 1792, was an important and lasting ally. He gave Scott and Hastings frequent advice (some of it, it must be added, of very doubtful value) and, among other services, delivered an extremely favourable summing-up at the end of the trial. Thurlow's pugnacious temperament made him an enthusiastic participant in highly controversial issues.

After 1784 Hastings's political connexions amounted to very little. Indian policy during North's administration had been directed by a small group within the government, and this practice undoubtedly continued. Decisions appear to have been taken by Pitt and by Dundas, the dominant figure on the Board of Control set up by Pitt's India Act of 1784 to supervise Indian affairs; consultation with other ministers was very limited.¹ Pitt started with a clean slate on India as on most other topics, while Dundas, as a member of the Secret Committee and as the minister responsible for India in the Shelburne administration, had twice tried to bring about Hastings's recall. He was no doubt as convinced in 1784 as he had been in 1782 that reform of the Company's administration could not be achieved while Hastings remained as Governor-General. The Bill which Dundas introduced in 1783 and the Bill which was passed as Pitt's Act of 1784 both assumed the existence of most of the abuses which Burke and Fox had condemned, and included several clauses similar to those in Fox's second Bill. Hastings was well aware that, although he had not been mentioned by name, he had been harshly treated in Pitt's speech introducing his Bill in July 1784.²

But if the new government did not intend to allow Hastings to remain long in India, immediately after the defeat of the Coalition they were in no hurry to force conclusions with him. In the first place, Hastings had announced that he wished to resign,³ and, although there was to be haggling over the date of his departure, a flat refusal to leave was

¹ To give one of many examples: Lord Sydney, the nominal President of the Board of Control, was not told of the government's recommendation of Macartney in Feb. 1785 as Hastings's successor (Scott to Hastings, 18 Feb. 1785, Add. MSS. 29168, f. 81).

² To Scott, 26 Dec. 1784, *Gleig*, iii. 223-6.

³ In a letter to the Directors, 20 Mar. 1783, *ibid.* iii. 87.

unlikely. Secondly, since one of the grounds on which the Coalition had been defeated had been its attempt to subdue a recalcitrant Company by statute, the new government were obliged to conciliate the Proprietors, if they were not to have to do the same thing for their own legislation; the strength of feeling for Hastings in the Company therefore made an immediate breach with him impossible. Scott was a member of the committee of Proprietors which discussed Pitt's abortive Bill of January 1784,¹ and he was induced, in spite of some misgivings, to support the second Bill 'very effectually'.²

So long as it appeared to them to be expedient to do so, Pitt's government gave Hastings encouragement and support. The Board of Control confirmed the Court of Directors' orders that the Madras government should surrender its assignment of the Carnatic revenues, thus giving Hastings victory in his great struggle with Lord Macartney.³ The Board also prevented the Directors from dismissing Major James Browne, Hastings's agent to the Mughal Emperor, in protest against Hastings's attempted intervention at Delhi.⁴ And motions by Burke for papers on the reported execution of Almas Ali Khan, the collector of a large part of the revenues of Oudh, were rejected.

In spite of the support which he received from the administration, events in the internal politics of the Company seriously weakened Hastings's position at home during 1784. At the beginning of the year the outlook was most promising. After the defeat of Fox's Bills, the Company was once again dominated by those Directors known as the 'old interest', who had supported Hastings from 1780 to 1782 and now planned to leave him undisturbed in India. The 'old interest' was, however, a precarious alliance, and on the suspicions of Hastings's champion Laurence Sullivan of its other leading

¹ Scott to Hastings, 11 Jan. 1784, *ibid.* iii. 110.

² Same to same, 30 Oct. 1784, Add. MSS. 29166, f. 383.

³ Draft of 1 Oct. 1784, with Board's alteration of 15 Oct., Madras Draft Despatches, i. 25-30. See H. Dodwell, 'Warren Hastings and the Assignment of the Carnatic', *English Historical Review*, xl (1925), for an account of the assignment controversy.

⁴ Draft of 30 Nov. 1784, with Board's alteration of 3 Dec., Bengal Draft Despatches, i. 25-30, 38-40.

figure, Richard Atkinson (a man who had made his career in the Company by co-operating with Lord North and who was now co-operating with Dundas), it fell apart. The 'old interest' planned to elect Sullivan chairman of the Company for 1784. When Pitt and Dundas put an 'absolute negative' on him,¹ Atkinson proposed himself in his place; but Sullivan, convinced of Atkinson's and his friends' 'iniquitous duplicity', refused to stand down.² A compromise was patched up, but the 'old interest' never recovered its unity; and whereas Hastings had begun the year with the whole-hearted support of a majority of the Court of Directors, he ended it relying almost exclusively on Sullivan and his followers—estimated at about ten.³ The cohesion of Sullivan's group, 'the only great party among the Directors', made them a powerful force; but in 1785 Hastings's cause suffered further setbacks. The 'old interest' remained divided at the Company election, and Scott, in spite of warnings from Pitt, stood against the official 'house list' and was defeated.⁴ Sullivan died in February 1786 and his group had disintegrated by the next Company election.⁵

Hastings's virtual isolation by 1786 is difficult to reconcile with the view, widely held by contemporaries, that Pitt and Dundas voted for his impeachment to eliminate him as a disruptive force in the Company. This view was usually based on the famous and much repeated story that Dundas, when the worse for drink, had told Lord Maitland that the 'opposition had done his job for him, "they had knocked up Mr. Hastings's pretensions to the Board of Control, and had ruined the Bengal squad"'.⁶ It is of course possible that Hastings might have tried to bring about a revolution in Company politics, as Clive had done, but it is hard to

¹ Atkinson to Dundas, -June 1784, C. H. Philips, 'The New East India Board and the Court of Directors, 1784', *English Historical Review*, lv (1940), 445.

² For Sullivan's version see his letter to his son, 20 Nov. 1784, Bodl. MS. Eng. Hist. b. 190, ff. 32-34.

³ Atkinson to Dundas, 22 July 1784, H. Furber, 'The East India Directors in 1784', *Journal of Modern History*, v (1933), 485-8.

⁴ Scott to Hastings, 16 Mar. 1785, Add. MSS. 29168, ff. 207-9.

⁵ Philips, *East India Company*, p. 49.

⁶ *Journal and Correspondence of William, Lord Auckland*, i (1861), 472. For different versions of the same story, see J. Hutton, ed., *Selections from the Letters and Correspondence of Sir James Bland Burges* (1885), p. 91, and H.M.C. Dropmore MSS. i. 316.

believe that Dundas took this threat very seriously. Hastings would have been obliged to build up a following from practically nothing, and the measures taken to restrict the practice of creating faggot votes by 'splitting' stock, with the growth of government management, made the Company very much less liable to sudden convulsions than it had been in the 1760's.

It is indicative of Hastings's isolation in the Company that the only attempt to enlist its help for him during the impeachment should have come, not from the 'Indians', as Sullivan's former followers were called, but from the future whig politician George Tierney.¹ When the Directors made their most serious challenge to the authority of the Board of Control, over the dispatch of King's regiments to India in 1788, ministers were afraid that they would try to show their independence and to embarrass the government, not by some gesture in favour of Hastings, but by giving the Managers for the House of Commons access to the records of their Secret Committee.² Hastings's friends apparently supported the government in the General Court on this occasion.³

While maintaining Hastings in India as a temporary expedient, the government began their search for a successor to him. Henry Dundas had been urging Lord Cornwallis to go to India since 1782, but Cornwallis refused all offers and Dundas could not find a suitable replacement for him. In the absence of a clear lead from the administration, the running was taken up by the supporters of Lord Macartney, who was already in India as Governor of Madras, and by Laurence Sullivan. By October 1784 Sullivan was convinced that no candidate of his could defeat Macartney, and therefore hoped to shelve the issue by persuading the Court of Directors to leave Hastings in India for a further period. Although Sullivan failed to secure the passage of a resolution asking

¹ On 16 June 1786 Tierney 'gave notice' at a Court of Proprietors that he should 'move a question relative to Mr. Hastings, whose present circumstances demanded' their 'countenance and protection' (*London Chronicle*, lix. 576). He acted without informing Hastings, and at his request withdrew his motion (Hastings's Diary, 16 and 19 June 1786, Add. MSS. 39880, ff. 28-29).

² W. Grenville to Pitt, 10 Jan. 1788, *H.M.C. 12th Report*, App., pt. ix (Smith MSS.), p. 362. The crisis of 1788 is described in Philips, *East India Company*, pp. 54-60.

³ J. B. Burges to his wife, 2 Mar. 1788, Bodl. Burges MSS.

Hastings to stay in office until he had reformed the Company's establishments and reduced their debt, the Directors agreed to ask Hastings to remain in India for a year after any successor arrived, which, Sullivan believed, would make it impossible for Macartney to accept the Governor-Generalship.¹ But Dundas insisted that the Board of Control must be given 'fair play' by the return of Hastings,² and, by what Sullivan called an act of 'premeditated hostility', the Board of Control refused to allow the Company to commit itself to keeping Hastings in India for another year.³ Having failed to obtain the extension of Hastings's term of office, Sullivan was forced to put up a candidate of his own against Macartney. He chose George Vansittart, a former Company servant and close friend of Hastings.⁴ Still without a candidate of his own, Dundas was left with the disagreeable alternatives of allowing 'Mr. Sullivan and his friends to make a Governor-General', or of choosing 'the friend of his enemies'⁵—Macartney, who had been energetically championed by the parliamentary opposition.⁶ He decided that the second was the lesser of the two evils. Pitt told the chairman that he thought Macartney was 'the properer', and he was chosen by lot on 17 February after the ballot had ended in a tie. Pitt told Scott that 'no disrespect or slight' was intended to Hastings;⁷ but such gestures could not disguise the fact that, after the dispute over the Carnatic assignment, of all possible candidates short of Philip Francis, Macartney was the one most repugnant to Hastings. The administration underlined their desire for a complete break with the past when the Board of Control, expressing themselves confident that Hastings would 'wish to leave Bengal, as early as possible', refused to give him a year's grace in which to make his departure.⁸

¹ Court Minutes, xciii. 537-8 and 564-8. See also Scott to Hastings, 30 Oct. 1784, Add. MSS. 29166, ff. 367-82; and Sullivan to his son, 20 Nov. 1784, Bodl. MS. Eng. Hist. b. 190, f. 37.

² Dundas to W. Grenville, 27 Oct. 1784, *H.M.C. Drogheda MSS.* i. 240.

³ Board to Court, 30 Oct. 1784, Bengal Draft Despatches, i. 23-24.

⁴ See below, p. 142.

⁵ James Macpherson to John, 18 Feb. 1785, Macpherson MSS.

⁶ In the debate on his India Bills, Fox had called Macartney 'that great and exalted man' (*Parl. Hist.* xxiii. 1275).

⁷ Scott to Hastings, 9 Mar. 1785, Add. MSS. 29168, ff. 182-4.

⁸ To Court, 4 Mar. 1785, Bengal Draft Despatches, i. 61.

There were other indications that Pitt's government wished to dissociate itself from Hastings. The question of a title for Hastings had originally been raised as part of a bargain for getting him out of India, but in 1784 his friends raised it again as a reward for his services. To have agreed to this would have implied a degree of identification which Pitt clearly wished to avoid. When pressed by Scott, he put him off with excuses which became more elaborate as Scott became more insistent. In 1785 Pitt was talking of the need to hear any charges that Burke might bring before he could advise the King to grant a peerage. Thurlow told Scott that he was

ashamed to live in a country and in an age where and when the ravings of a madman have for a day stopped government from creating you a British peer. . . . But as it has had such an effect all that now can be done is to call upon Mr. Burke in the most solemn manner, either to bring forward his charge if he has any to produce, or to desist from that line of conduct. . . . [He] says you must and will be both honoured and rewarded. I told him with what tranquility you both thought and talked upon this subject . . . but that I did not view the matter quite so philosophically and hoped you would not be reduced to the sad necessity of rustication, and if little things in little men could be compared with greater, I had no desire to be rusticated myself.¹

Taking Pitt's evasions at their face value, Scott did his utmost to force Burke to show his hand.

The government received Hastings on his return to England in June 1785 with studied politeness. His opinion was asked on a number of questions and given freely on others—in some cases, such as a proposed French treaty, in opposition to government policy. At the end of the year he was engaged in the strange project of rewriting the 1784 India Act, 'under the recent impression' of Thurlow's 'commands'.² When Macartney returned in January 1786, having refused his appointment, there was a flurry of newspaper reports that Hastings would be sent back to India.³ They seem to have been completely without foundation. By the time that Burke began his proceedings against him in parliament

¹ To Hastings, 18 Jan. [1786], Add. MSS. 29194, ff. 24-27.

² Add. MSS. 29169, ff. 147 seq.

³ e.g. *Morning Chronicle*, 23 Jan. 1786; *St. James's Chronicle*, 17-19 Jan.

Hastings had no influence in national politics, and very little weight in the Company; Pitt could decide the case on what he believed to be its merits, without having any reason either to protect him or to fear him.

During the crisis of Fox's India Bills, most members of the Coalition had joined in the assault on the Company. But in the bitterness of defeat unanimity on Indian policy disappeared. Fox and many others apparently felt that the Bills had been a disastrous error of judgement and that any further Indian excursions were doomed to failure. As Burke put it, they were determined to avoid 'the rocks and quicksands of their former disasters' and 'to keep aloof from this perilous lee shore'.¹ After the debate on Pitt's India Bill, Fox told the Duke of Portland:

It is impossible not to see that the majority is much more *against* us than *for* the ministry, and their behaviour on the India Bill which had begun to excite much discontent till I opposed it is a very sufficient lesson in my mind. . . . With regard therefore to a general attendance in the House I must beseech you to reconsider it.²

In August 1784 he saw Francis 'to request conference, connexion, and intimacy—opened his thoughts about moving for the recall of Hastings, and then for impeaching him',³ but there is no evidence that he had any serious plans to begin an attack on Hastings.

Only Burke, and a small group associated with him, were prepared to take up the attack again. In trying to bring Hastings to justice, Burke saw no hope of tangible success. 'We know we bring before a bribed tribunal a prejudged cause', he told Francis, and he admitted that he did not expect any charges against Hastings to be supported by 'a respectable minority' of the House of Commons; 'in a party-light, and as a question to draw numbers, . . . a worse cannot be chosen out of the whole bundle of political measures.'⁴ But convinced of the iniquities that had occurred in the past, and at this time deeply despondent about the future of the Company's rule, he felt that any protest, however ineffectual,

¹ 'Speech on the Nabob of Arcot's Debts', *Burke Works*, iii. 196.

² [27 July 1784], Add. MSS. 47561, ff. 81-82.

³ 'Memorandums', 8 Aug. 1784, MS. Eur. D. 20, f. 57.

⁴ To Francis, 10 Dec. 1785, *Burke Corr.* v. 241-3.

was worth making. He also seems to have been impelled by an overwhelming sense of the need to justify himself. A concern for 'character' had always been a special preoccupation of the Rockingham connexion, and Burke had his full share in this preoccupation. Throughout his career he had been subjected to abuse and innuendo on a scale unusual even for the eighteenth century. At the best of times he saw his life as a struggle against a hostile world, and this tendency to a persecution complex was heightened when, after the catastrophes of the death of Rockingham and his loss of office, he became the victim of a campaign of systematic provocation in the House of Commons, which many people thought was affecting the balance of his mind. His letters at this time are full of phrases like the 'malice against me',¹ the 'run against me',² or 'the cry against myself'.³

He believed that this crisis must be met by positive acts to safeguard the reputation of the party and of himself. He wished his party to produce a 'vindication, signed by all public men who like to sign, and addressed in effect to all Europe',⁴ which eventually appeared as the 'Representation to his Majesty' of 14 June 1784, 'perhaps the last free act we shall [be] permitted to do'.⁵ His own vindication was to be on the subject on which he thought his own reputation was at stake, even among his colleagues, some of whom regarded 'Burke's judgment' as 'a standing topic of ridicule'.⁶ He intended to provide more evidence of the evils which had made the India Bills necessary.

Those who were prepared to help him had worked with him on the Select Committee and were very much his disciples. The most prominent of them were William Windham,⁷ Gilbert Elliot,⁸ and Dudley Long.⁹ Elliot's Indian

¹ To G. L. Staunton, [p. 27 July 1785], *ibid.* v. 214.

² To Elliot, [c. 20 Feb. 1786], *ibid.* v. 260.

³ To Miss Palmer, 19 Jan. 1786, *ibid.* v. 255.

⁴ Windham to Dr. Parr, 25 May 1784, J. Johnstone, ed., *Works of Samuel Parr* ... (1828), vii. 337-8. ⁵ To W. Baker, 22 June 1784, *Burke Corr.* v. 156.

⁶ Windham to Parr, 25 May 1784, *Works of Parr*, vii. 337-8.

⁷ Windham (1750-1810) was later Secretary for War.

⁸ Elliot (1751-1814), later 1st Earl of Minto, had started his political career as a supporter of Lord North. He was Governor-General of Bengal 1807-13.

⁹ Long (1748-1829), later North, was an assiduous labourer on committees but rarely spoke in debate.

sympathies had been chequered; his brother Alexander had been deeply attached to Hastings, and in 1781, before his conversion on the Select Committee, when he felt 'almost as much affection' for Hastings 'as I now have for Burke', Elliot had written Hastings a letter of recommendation expressing his admiration, which Scott threatened to read to the House of Lords.¹ Francis collaborated very closely with this group, as he had done with the Select Committee, and his role in bringing forward the impeachment was second only to Burke's. Their correspondence shows that he and Burke decided tactics together, that Francis 'cut up' Burke's speeches, and, above all that he supplied him with the detailed local knowledge which he lacked. Francis could claim without undue exaggeration that 'two individuals' had triumphed over 'the whole kingdom'.² Important as Francis's contribution undoubtedly was, to describe him as 'the author, producer and stage-manager of the whole performance'³ both underrates Burke's determination to renew the attack on Hastings, and gives Francis very much more influence than a man of his comparatively humble political standing could ever have had. Moreover, left to itself, Francis's desire for revenge might well have been tempered by discretion. Even though the prospect of 'gibbeting' Hastings's and Impey's 'characters to all eternity' must have been an agreeable one,⁴ Francis realized that the impeachment, by confirming his reputation as an intriguer and his connexion with the opposition, was likely to exclude him 'from employment and profit' for the rest of his career.⁵ For a man as ambitious as Francis and as conscious of his talents, this was a tragedy.

Moves against Hastings developed slowly and uncertainly, with no signs of active preparations during 1784. In July Burke gave notice that he would not be responsible for the prosecution of Impey, and quoting Thurlow's famous comparison of the reports of the Select Committee to 'the adventures of Robinson Crusoe' said that he could not be

¹ To his wife, 16 Feb. 1788, Minto MSS. M. 19.

² Quoted S. Weitzman, *Warren Hastings and Philip Francis* (Manchester, 1929), p. 176.

³ *Ibid.*, p. 171.

⁴ To G. Shee, 4 Dec. 1786, Parkes and Merivale, ii. 251.

⁵ To Sir R. Chambers, 20 Dec. 1786, *ibid.* ii. 252.

expected to bring an impeachment against Hastings, which would be 'prejudged' and 'treated with contempt and derision'.¹ In the sessions of 1784 and 1785 Burke made several violent and extravagant attacks on Hastings in the House of Commons, which became even more incoherent as he was goaded by interruptions from the government's supporters. In attempting to obtain papers on Almas Ali Khan, whom Burke mistakenly believed to have been murdered on Hastings's orders, his despair reached its depth, and he prophesied divine vengeance on Britain for her barbarism in the East.² During the winter of 1784 he was immersed in a campaign against the payment of the Nawab of Arcot's creditors. He frequently communicated with Lord Thurlow, and secured two interviews with Pitt.³ He was primarily concerned with the Carnatic, but Hastings was mentioned to both; Thurlow was told that the country under Hastings's care was 'sacked and pillaged'.⁴ Thurlow rather surprisingly wrote that if Hastings had any friends, 'it is not among those who lead ministry, Controul, Direction, or opposition', and added that he himself lacked 'knowledge enough of the subject, to place much confidence in his own opinion', and would welcome information.⁵ Burke greeted Hastings's return in June 1785 with the promise of an inquiry after the recess.

He set to work in earnest during the winter of 1785, sending the draft of a charge for Francis to criticize on 23 December. Scott challenged him on the first day of the new session to fulfil his promise and to start his inquiry, and on 17 February 1786 Burke began proceedings in the impeachment of Hastings by introducing a series of motions for papers.

Evidence that work had begun on the charges before the session disposes of the theory, given some encouragement by Burke himself,⁶ that Scott's challenge had cut off his retreat. Burke had been contemplating further action since 1784 and the return of Hastings to England would no doubt of itself have precipitated it. But the persistence of Hastings's

¹ *English Chronicle*, 17-20 July 1784.

² *Parl. Hist.* xxiv. 1261-2.

³ Notes of 'conversations', Burke MSS. (Sheffield), 9b.

⁴ [14 Dec. 1784], *Burke Corr.* v. 204.

⁵ [14] Dec. 1784, *ibid.* v. 202.

⁶ Notes for speech of 17 Feb. 1786, Burke MSS. (Northants), A. XXII, 26a.

supporters must have made him even more determined. Scott's challenge followed a series of provocative paragraphs inserted in the press since Hastings's arrival and obviously intended to bring matters to a head. On 25 June 1785 a paragraph in the *Morning Chronicle* asked whether any season could have been 'so favourable as the present' for an inquiry by Hastings's 'enemies', and concluded, 'thus is the subject dismissed now, and for ever'. In the winter another paper asked 'what Mr. B—e meant, when he pledged himself to move an enquiry into the conduct of Governor Hastings'.¹ In his overwrought state and with his concern for self-vindication, Burke was not likely to ignore such attacks.

While he was preparing his charges, Burke began to look for support outside his immediate circle. He told Francis on 10 December that he had been in touch with Fox, who had been sympathetic while expressing some reservations. In Burke's view, Fox should join them as an individual and not as the leader of a party in the Commons. He was afraid that any attack on Hastings would cause friction in the opposition, some of whom, presumably those still associated with Lord North, might be expected to be friendly to Hastings.² But before the new session began in January 1786, he was able to secure a united opposition. A meeting is reputed to have taken place at the Duke of Portland's house, at which it was decided to adopt the impeachment as an opposition measure. Hastings's pamphleteers reported some disagreement, but unfortunately no account of the meeting from someone who attended it appears to have survived.³ Even if doubts were expressed, the final outcome was entirely satisfactory for Burke; in its early years at least, all sections of the opposition gave the impeachment vigorous support.

¹ *Public Advertiser*, 7 Dec. 1785.

² *Burke Corr.* v. 243.

³ The names of some opposition supporters who objected to the impeachment (none of them of any great importance) are given in *Observations on the Conduct of Mr. Fox in the Impeachment of Mr. Hastings* (1793), pp. 17-19. Gleig (iii. 276) suggests that there was a general attempt to deter Burke at the meeting; there appears to be no evidence for this.

III

THE IMPEACHMENT BEFORE THE COMMONS 1786-1787

BURKE began his attack on Hastings by moving on 17 February 1786 that certain papers should be laid before a Committee of the Whole House. Motions for papers gave the opposition some indication of the reactions of ministers and of the House in general, but otherwise they were practically meaningless. Large numbers of people appear to have had access to the Company's records, and even if the government refused to permit the release of a paper, the opposition had no difficulty in obtaining a copy of it. A vote of the House of Commons declaring a paper secret did not deter Burke from printing it in his charges.¹

Houses for the debates on papers were thin, rarely exceeding a hundred,² but Burke was encouraged both by the government's willingness to release papers and by the views expressed in the debates by Pitt. The administration, he wrote, 'between the fear of their adversaries in the cabinet prevailing on one side, or of their adversaries in the House prevailing on the other, . . . have suffered us to get at most of the papers. And now I think we shall go on powerfully.'³ Pitt refused papers relating to the Maratha peace and Hastings's negotiations at Delhi in 1784, which could presumably have been used to mount an attack on the government's current policy, but he raised no objections to the release of other papers. On 17 February Pitt spoke of Hastings's 'almost unprecedented talents', but also implied that some episodes in his career were 'censurable', particularly the 'extermination' of the Rohillas, which appeared at

¹ For instance, the House refused Major Browne's letter to Hastings of 20 Dec. 1783 (*C.F.s.* xli. 298), but extensive excerpts from it appeared in the charge 'The Mogul delivered up to the Mahrattas'.

² D. Pulteney to Rutland, 7 Mar. 1786, *H.M.C. Rutland MSS.* iii. 286.

³ To Elliot, [20 Feb. 1786], *Burke Corr.* v. 260.

first sight 'repugnant to every sentiment of human nature'. He promised that if crimes were proved, he would not try to 'screen' them, and he assured the House on 20 February that he was neither 'a determined friend nor foe to Mr. Hastings'.¹ Dundas was more outspoken in Hastings's favour, saying that the Secret Committee had never found anything criminal against him, and that he was now glad that Hastings had not been recalled in 1782.²

The papers were referred to a Committee of the Whole House on 16 March to be considered on 3 April, when Burke, still in no hurry to bring forward the charges he had drafted before the session, proposed that the Committee should examine witnesses as well. He was opposed by the law officers, who argued that it was impossible to examine witnesses without knowing the charges to which their testimony was to be applied. Under protest Burke gave way; on the next day the first charges were read, and others followed on 12, 26, and 27 April. In all, Burke produced twenty-two charges of 'High Crimes and Misdemeanors' covering every aspect of Hastings's career. The charges were immensely long, occupying 103 folio pages in the Commons' Journals, and immensely diffuse, including innumerable allegations and much narrative and descriptive material. When sending Francis a draft of his first charge, Burke told him:

You will see my view in the manner of drawing the articles;—that is, not only to state the fact, but to assign the criminality; to fix the *species* of that criminality; to mark its consequences; to anticipate the defence, and to select such circumstances as lead to presumptions of private corrupt views. By following this method, our resolutions (or articles of impeachment, as they may turn out) will convey a tolerably clear historical state of the delinquencies. . . .³

His purpose was 'not to consider what will convict Mr. Hastings (a thing we all know to be impracticable) but what will acquit and justify myself to those few persons and to those distant times, which may take a concern in these affairs and the actors in them'. He was therefore willing to sacrifice precision and any attempt at legal drafting to make

¹ *Parl. Hist.* xxv. 1074-80 and 1094.

² *Ibid.* xxv. 1069-71.

³ 23 Dec. 1785, *Burke Corr.* v. 245.

the charges easily comprehensible and to give an overwhelming impression of 'a *general evil intention*, manifested through a long series and a great variety of acts . . .'.¹

Major Scott petitioned the House on 26 April for leave for Hastings to be heard in reply to the charges, and, in spite of Burke's objections, leave was given. Hastings had been advised by Lord Mansfield to make a personal appearance.² He was heard on 1 May by the most crowded House that the reporter for the *Morning Chronicle* could remember ever having seen.³ Members were eagerly expecting a night of high drama of the sort provided by Clive, but they were doomed to disappointment. The Defence was extremely long, extremely detailed, and practically devoid of oratorical flourishes. Hastings, William Markham, and the Clerk of the House took it in turns to read it far into the night and for much of the next day, when only sixty members attended.⁴ Hastings was convinced that his Defence had 'instantly turned all minds to my own way; and the ground which I then gained I still retain complete possession of. . . . I have now, too, a well-grounded hope that a short period will bring the whole to a conclusion'.⁵

Hastings was, however, practically alone in thinking that his Defence had been a success. It was generally recognized that there had been two alternatives open to him: he could either have tried to refute each accusation in detail, or he could have made a more general attempt to justify his acts in the light of Indian conditions and the Company's situation during the war. He chose the first course, saying that his 'political conduct was invariably regulated by truth, justice, and good faith'; he asserted 'my general claim to the approbation of this Honourable House, and of my country, for my services; but I neither desire, nor will admit, of their being placed in balance against my faults, if I have faults to stand in opposition to them'.⁶ Had he not tried to answer each charge on its merits, Hastings would have provided welcome ammunition for the opposition press, who made the best of their limited opportunities, accusing him of arguing

¹ Burke to Francis, 10 Dec. 1785, *ibid.* v. 242.

² Add. MSS. 39981, f. 4.

³ *Morning Chronicle*, 2 May 1786.

⁴ *General Evening Post*, 2-4 May 1786.

⁵ Gleig, iii. 287-9.

⁶ *C.J.s.* xli. 668 and 671.

that the 'probable acquisition of wealth' was a reason 'for taking up arms against my neighbours'.¹ It also became apparent in later debates on the impeachment that some influential members were not prepared to accept appeals to their patriotism to condone dubious acts done in the Company's interest. William Wilberforce believed that 'a political expediency . . . , could not acquit us of that great obligation of morality *to do to others, as we would they should do to us* . . .'.² George Hardinge, a member of the administration, claimed that the balancing of Clive's services against his offences 'tended more to Indian disorders than any one other act which could be cited'.³ A prominent independent, James Martin, declared that 'if . . . we were in an actual state of bankruptcy, and all the treasures of Hindostan could be transferred to the Exchequer of Great Britain, so it were to be done by injustice and oppression, he should think it a crime highly deserving the punishment of the law'.⁴

Dangerous as any other course would undoubtedly have been, it seems that Hastings's decision to make a detailed defence was a mistaken one. Wraxall's conjecture that had Hastings 'contrasted the instances adduced with his eminent recognised services to the state . . . he would probably have secured Pitt' seems to be surprisingly well informed.⁵ Notes on the charges were drawn up for Dundas's benefit by Francis Russell, the Board of Control's solicitor, and were no doubt sent to Pitt. On the Begams charge, Russell pointed out the weaknesses in Hastings's defence and concluded that the 'necessity of affairs' was the only possible justification for what Hastings had done. 'It is my belief there was such a necessity', he wrote. 'I wish no other defence had ever been stated. It is the defence which I sincerely believe was the genuine one. But there is no such case before us, in the present state of this business.'⁶ Pitt developed this theme in his speech on the charge. He is reported to have said that a man 'entrusted with the government of a country, must at certain critical periods hazard all for the

¹ *Morning Herald*, 11 May 1786.

² *I.C.E.* ii. 296.

³ *Parl. Hist.* xxv. 1412.

⁴ *Ibid.* xxvi. 779.

⁵ H. B. Wheatley, ed., *The Historical and Posthumous Memoirs of Sir Nathaniel William Wraxall* (1884), iv. 443.

⁶ H. Misc. ccxxviii. 11-12.

public'. Had Hastings been able to 'prove that he had acted on such principles in Oude . . .', Pitt would have exonerated him.¹ On 2 March 1787 Pitt said:

If at the commencement of the inquiry it had been urged in favour of Mr. Hastings, that though his conduct in some parts of his administration might be faulty, yet those faults were fully counter-balanced by the general tenour of his conduct, and the meritorious services he had performed; in that case, the House would have had to have weighed his crimes against his virtues. . . . Mr. Hastings had thought it advisable to disclaim all benefit which he might have expected from a consideration of his services. . . . After such a proceeding on the part of Mr. Hastings, it would have been highly unjust . . . to have thrown such a shield between him and public inquiry. . . .²

Hastings's error of tactics was magnified by disastrous incompetence in execution. It is hardly conceivable that he could have produced a detailed answer to every accusation which could not have been faulted at some points under close scrutiny; but the one which he did submit contained glaring errors. In particular, it committed him to a version of the Begams charge which was totally untenable and which became one of the principal pieces of evidence against him.³ In the next session Hastings felt obliged to disavow his original Defence to the Begams charge, which he claimed had been written for him by Major Scott and Nathaniel Middleton, the Resident at Lucknow, and to issue a new one. On the morning before the charge was debated, his supporters circulated 'Observations on the 4th Charge entitled the Princesses of Oude', and on the day after Sheridan's great speech, 'A Real State of Facts' was 'transmitted by Major Scott to a great number of the members'.⁴ In a highly complex case, where most of the judges must have had the greatest difficulty in mastering the material, an impression of candour was extremely important; the shuffling of the defences certainly did not create such an impression.

After the charges and the Defence had been heard, the Committee of the Whole House spent the rest of May in the examination of witnesses. In retrospect, April and May

¹ *I.C.E.* iii. 64. ² *Parl. Hist.* xxvi. 699-700. ³ See below, pp. 109-10.

⁴ Francis Russell's annotations on the India Office Library's copy of *Papers Relative to Hastings's Impeachment*, iii. 779-80.

1786 seem to have been the decisive months when the impeachment took root. Without any division lists, and with the press merely printing paragraphs submitted by one side or the other, it is very hard to assess shifts of opinion. But the letters of the opposition became steadily more optimistic, while others paid them the compliment of taking the impeachment increasingly seriously. The view, implied in Burke's leisurely tactics, that the longer the impeachment lasted before coming to a decisive vote, the more reluctant many members would be to see it defeated, seems to have been amply justified. Doubts had been aroused which Hastings's Defence had done nothing to dispel. 'If he delays so', wrote Francis of Dundas, 'he will hardly commit his reputation by doing anything very violent in favor of Mr. H.'¹ Francis later claimed: 'We . . . gain ground every day in our prosecution, and have many converts.'² ' . . . I don't see how they will get rid of Mr. Burke', wrote John Hatsell, the Clerk of the House, as early as 8 April.³

Pitt called on Burke on 18 May to submit his charges to the opinion of the House. The debate on the first charge, the Rohilla War, took place in a Committee of the Whole House on 1 and 2 June. It ended in the defeat of a resolution that the charge contained 'ground for charging' Hastings with 'high crimes and misdemeanors' by 119 votes to 67. In spite of this defeat, there are signs in the reports of the debate that the opposition's optimism had not been wholly misplaced and that their cause had acquired, or was acquiring, the support of certain highly respected independent members. Thomas Powys, one of the knights of the shire for Northamptonshire, stated that he would vote for the charge.⁴ In 1790 he and William Pulteney were described as 'members who have followers',⁵ and it is reasonable to assume that Pulteney⁶ also voted against Hastings, in view of a letter

¹ To Bristow, 15 Apr. 1786, MS. Eur. E. 19, ff. 68-69.

² To unknown, 9 May 1786, Add. MSS. 40763, f. 197.

³ To W. Eden, Add. MSS. 46491, f. 97.

⁴ *Parl. Hist.* xxvi. 44. By this time, Powys (1743-1800), later 1st Lord Lilford, was becoming increasingly associated with the opposition (L. Namier and J. Brooke, *The History of Parliament. The House of Commons 1754-1790* (1964), iii. 320-2).

⁵ N. Macleod to Hastings, 15 Dec. 1790, Add. MSS. 29172, f. 224.

⁶ Pulteney (1729-1805), M.P. for Worcester, had given Scott a promise of support for Hastings in 1782 (Add. MSS. 29154, f. 37).

which he later wrote to Pitt probably summing up the attitude of many independents. He felt that the vote of 13 June on Benares would have

the most salutary effect in every part of this great empire and particularly in India. Such is the powerful influence of strict honor and justice in those who govern kingdoms, that it pervades every mind, and in a great degree regulates the conduct of individuals. On the other hand, the wilfully permitting persons in high and responsible situations to go unpunished and uncensured when guilty of important offences, is sufficient to foster the bad and corrupt principles in all other minds. . . .¹

James Martin, another confirmed independent, said at the end of the debate that 'What he had heard that day, and the day preceding, had considerably altered his opinion respecting Mr. Hastings, and he should vote for the question'.² William Wilberforce, whose victory in Yorkshire had been the government's most striking electoral success in 1784, and whose influence on Pitt was thought to be very great, strengthened the impression which he had been giving for some time,³ that he favoured impeachment. Another important county member, Charles Marsham, one of the M.P.s for Kent, was shown as a supporter of the prosecution in a caricature published in 1787.⁴

On the other hand, George Hardinge,⁵ the Queen's Solicitor-General, appears to have been the only member of the administration who voted against Hastings. Since the Rohilla War, which had been investigated by the Secret Committee and on which Pitt had expressed doubts in February, was the charge thought most likely to draw a favourable response from the government, it was widely anticipated that the impeachment would make no further progress. Dundas, making the main speech for the government, opposed the motion without trying to defend Hastings's treatment of the Rohillas. He argued that the war was

¹ 15 June 1786, P.R.O. 30/8/169, f. 188, printed J. H. Rose, *William Pitt and National Revival* (1912), pp. 237-8.

² I.C.E. ii. 291. For Martin (1738-1810), M.P. for Tewkesbury, see Namier and Brooke, *House of Commons 1754-1790*, iii. 113-14.

³ D. Pulteney to Rutland, 29 Apr. 1786, H.M.C. Rutland MSS. iii. 295.

⁴ M. D. George, *Catalogue of Political and Personal Satires . . . in the British Museum*, vi (1938), 397. Marsham (1744-1811) was later 1st Earl of Romney.

⁵ Hardinge (1743-1816) was M.P. for Old Sarum.

'an unjustifiable measure, but it was not more so now than it had been nine years ago', and that in the interval, parliament, with full knowledge of it, had not prevented Hastings from being reappointed as Governor-General. In the course of his speech Dundas called Hastings 'the saviour of India'.¹ It was widely noted in the press that Pitt, who only spoke on points of procedure, did not appear to have put his full weight against the charge. One observer attributed this to a reluctance to 'offend the world' by acquitting Hastings with too great a majority;² but in the light of later events it seems that Pitt's caution may have been caused by genuine uncertainty in his own mind, and by a desire to see how opinion in the House was shaping.³

On 13 June, when the Benares charge was debated, Pitt made the major speech for the government. He began by justifying the demand made on Chait Singh, but concluded that in trying to exact a fine of £500,000 from him Hastings had acted in a 'manner repugnant to principles, which ought not to give way to any motives of interest or policy whatsoever'. In his view this constituted a 'very high crime and misdemeanor', and he wished it to be known 'that if, upon the whole of the charges, it should be his opinion, that an impeachment ought to be preferred against him, then this act of oppression was such as ought to be made one of the articles of that impeachment . . .'.⁴ With Lord Mulgrave and William Grenville, both members of the Board of Control, expressing dissent, the House voted by 119 to 79 that there were grounds for impeachment in the Benares charge.

Pitt's vote caused almost universal astonishment; much of it excessive since it arose either from a belief that Pitt would feel himself under an obligation to protect Hastings, or from an over-favourable interpretation of his attitude towards him in the earlier stages of the impeachment. Astonishment stimulated ingenious explanations: fear of Hastings's

¹ *Parl. Hist.* xxvi. 89.

² Pulteney to Rutland, 11 June 1786, *H.M.C. Rutland MSS.* iii. 308.

³ Scott later claimed that he heard Pitt say after the division that 'Though he had been too much exhausted to deliver his opinion during the debate, he entirely concurred in every sentiment uttered . . . , both as to the justice and the policy of the war' (*Observations on Mr. Belsham's Memoirs of the Reign of George III* (1796), p. 61).

⁴ *Parl. Hist.* xxvi. 101-13.

influence with the King or in the East India Company, a desire to discipline unruly ministers like Thurlow, or to divert the attention of the opposition to an issue of no consequence to the government. There is no evidence beyond supposition to support any of these theories, most of which seem to be improbable in themselves and uncharacteristic of Pitt's studied self-sufficiency.

On the other hand, it seems to have been the unanimous opinion of all those who were in close contact with him that he had judged the case entirely on what he had believed to be its merits, and without any ulterior calculations. Wilberforce's statement that 'he paid as much impartial attention to it as if he were a jury-man' is well known.¹ Dundas told Cornwallis that, although he and Pitt found it 'not pleasing to us, . . . when we examined the various articles of charges against him with his defences, they were so strong, and the defences so perfectly unsupported, it was impossible not to concur'.² Pitt's private secretary and former tutor wrote of his 'candor and impartiality'.³ George Rose, one of the Secretaries to the Treasury, described his 'distinguishing faculties and his unbiased regard to justice and to the honour and character of his country'.⁴ Pitt was called the 'dupe of his feelings in all this' by his cousin Lord Camelford.⁵ Hastings heard from Lord Hawkesbury (formerly Charles Jenkinson) that: 'Mr. P[itt] fair and conscientious: . . . w[oul]d reject every pol[itica]l charge—but not the presents, nor (as I understood him) such as related merely to myself.'⁶ The similarity between Pitt's speech on the Begams of Oudh and the notes prepared by the Board of Control's solicitor again suggests that Pitt was not concerned with the political implications of the case.⁷

¹ R. and S. Wilberforce, *The Life of William Wilberforce* (2nd ed., 1839), v. 341.

² 21 Mar. 1787, C. Ross, ed., *Correspondence of Charles, First Marquis Cornwallis* (1859), i. 293.

³ G. Tomline, *Memoirs of the Life of the Right Honourable William Pitt* (1821), i. 564.

⁴ To Tomline, 8 Aug. 1816, Pretyman MSS.

⁵ To G. Hardinge, 25 Dec. 1790, J. Nichols, *Illustrations of the Literary History of the Eighteenth Century*, vi (1831), 126.

⁶ Hastings's Diary, 19 June 1786, Add. MSS. 39880, f. 46.

⁷ H. Misc. ccxxviii. 11-12. Unfortunately Russell's notes on the Rohilla War and Benares charges are inconclusive.

It has recently been emphasized that during the early years of his administration Pitt made a clear distinction between government measures, on which he expected organized support in the House, and more personal issues, on which he regarded defeat with comparative equanimity and on which he believed that members should have considerable latitude in expressing their opinions.¹ The impeachment of Hastings clearly fell into the latter category. It was rightly described as a question which 'in no way affects the stability of ministry'.² In contrast to the steps which seem to have been taken before the decisive vote on Sir Elijah Impey's impeachment, no attempt was made to co-ordinate a common line for the government. Macaulay's assertion that instructions to vote against the Benares charge were circulated by the Treasury seems to be without foundation.³ Pitt's intentions remained inscrutable to the rank and file of the administration's supporters, and, as on so many other topics at this time, there was evidently no discussion of the impeachment in the cabinet.⁴

Many contemporaries believed that Pitt's vote against Hastings had been influenced by the arguments of Henry Dundas. While this theory seems no more convincing than any of the other attempts to supply ulterior motives for Pitt, it is not so easy to accept Dundas's disinterestedness as it is to accept Pitt's.⁵ Dundas was the minister responsible for the execution of Indian policy, and, even if he recognized Hastings's weakness once he had left India and once Sullivan had died, he certainly would not have welcomed his intervention in the affairs of the Company. Contact between Burke and Dundas was remarkably close during the impeachment. In March 1787 Burke asked Dundas for more than a 'few words snatched behind the Speaker's chair', and in arranging

¹ J. S. Watson, *The Reign of George III 1760-1815* (Oxford, 1960), pp. 274 seq.

² D. Pulteney to Rutland, 8 Feb. 1787, *H.M.C. Rutland MSS.* iii. 370.

³ Essay 'Warren Hastings', *The Works of Lord Macaulay* (1866 ed.), vi. 625. Macaulay's statement is contradicted by John Nicholls in his *Recollections and Reflections . . . during the Reign of George III*, i (1820), 259.

⁴ Thurlow had no prior warning of Pitt's vote on the Benares charge (Hastings's Diary, 19 June 1786, Add. MSS. 39880, f. 29).

⁵ For a fuller discussion of Dundas's part in the impeachment, see H. Furber, *Henry Dundas, First Viscount Melville, 1742-1811* (1931), pp. 35-46.

a meeting Dundas promised to give the impeachment 'that support . . . which appears to us consistent with national justice, and the credit of the House of Commons . . .'.¹ The two men met to discuss procedure on the impeachment on 28 March, and thereafter they corresponded freely and met on other occasions. Some years later, Burke paid tribute to Dundas, describing him as 'very fair and very earnest in this affair from the beginning'.²

All communications between Burke and Dundas on Hastings of which record survives took place after Pitt and Dundas had unequivocally committed themselves to the impeachment of Hastings in the session of 1787. While there is no evidence that Dundas gave Burke any encouragement before the vote on Benares, it is not unlikely that he did so; he certainly gave a clear promise of support to Sir Gilbert Elliot before he undertook the impeachment of Impey.³ Burke believed that Indian questions cut across normal political divisions, and, when necessary, he was prepared to consult those who were normally his political opponents. He liked Dundas, he had exchanged views on India with him in the days of the Secret and the Select Committees, and it seems probable that he asked his opinion on the proceedings against Hastings. If Thurlow was careful not to rebuff Burke,⁴ Dundas, who had none of Thurlow's enthusiasm for Hastings, would almost certainly have promised neutrality at the least. Even if he had shown signs of sympathy, most members of the opposition were intensely suspicious of him, and this suggests that he had not committed himself very far.⁵

Dundas's persuasive powers, or sometimes those of Wilberforce, were used to explain Pitt's apparent change of front between the Rohilla War and Benares debates. If, as seems probable, the Rohilla War vote did not represent Pitt's final opinion, such explanations are unnecessary. Whatever his own views may have been, since he knew that his vote would

¹ 26 Mar. [1787], *Burke Corr.* v. 315.

² To W. Adam, 4 Jan. 1791, Blair-Adam MSS.

³ See below, p. 61.

⁴ See above, p. 37.

⁵ 'Dundas seemed . . . to be with us, but is not to be trusted' (Elliot to his wife, 8 Feb. 1787, *Minto Life and Letters*, i. 125).

not be regarded as a purely personal expression of them,¹ it is very unlikely that Pitt would have wished to do Hastings irreparable damage before he had been able to assess the feelings of other sections of the House. Like his father, Pitt prided himself on the support of independent members. Their prestige in the House was very high, and the impeachment was the sort of issue on which their judgement would command particular respect and on which it would be very creditable for ministers to be found on the same side.

Pitt gave no clear indication of how far he thought he or the House had been committed by the Benares vote; but in the debates of the next session he showed that he did not consider that it had made impeachment inevitable. With the session of 1786 coming to an end, he must have realized that if the Benares charge were to be defeated, it was most unlikely that the impeachment would be revived after the recess. Impressed as he appears to have been with the strength of some of the charges against Hastings, his vote was presumably intended to ensure that these charges would at least receive a further investigation in 1787. 'This particular vote', Elliot thought, 'is forced by the power of truth, and will probably not carry such unwilling converts much farther.'² Hastings heard highly coloured reports that Pitt was 'dispirited and desirous of undoing his past op[inio]n', while 'Mr. Wilberforce wishes he had not given the vote he did'.³

Hastings's advisers felt that the Benares vote had been a flash in the pan by all that was left of the House at the end of the session, and hoped that with a full attendance the damage might be undone. They proposed to move for a 'call' of the House as a preliminary to prolonging the session until the House had disposed of the rest of the charges. A call, which obliged all members without a reasonable excuse to attend, was always unpopular, and a call in late June would

¹ For instance Daniel Pulteney told the Duke of Rutland that those members who owed their allegiance to him had supported Pitt in the Begams debate, thinking 'it was more to the credit of the minister that his weight should be quite decisive' (9 Feb. 1787, *H.M.C. Rutland MSS.* iii. 371).

² To his wife, 15 June 1786, *Minto Life and Letters*, i. 104.

³ Hastings's Diary, 16 June 1786, *Add. MSS.* 39880, f. 28.

have aroused great indignation. However, on 16 June J. J. Hamilton gave notice that he would move for the call. Hastings at first believed that Pitt would agree to prolong the session, but on 21 June he heard that the government intended to adjourn until November. In spite of warnings from Thurlow, Hamilton persisted in his motion, which was defeated by a combined vote of the government and the opposition.¹

Burke had achieved far more in the 1786 session than he had dared to believe possible. He summed up the progress of the impeachment:

India is no longer new to the ears or understandings of the nation, you know that one great difficulty in our way was the opinion that nothing relative to the East was to be made intelligible or, to come nearer to the truth there was something like a resolution taken; not to know or to care any thing about it. That difficulty is in a great measure got over. Enough however in conscience remain. The recess must inevitably tend to cool the interest on that subject which was growing every day more and more warm, but since we were obliged to close we closed at the best moment—we could not obtain an attendance any longer.²

While Burke was congratulating himself, Hastings was complaining that he was obliged to provide material for pamphlets 'to extricate others from the effects of their own errors'.³ But much of the blame rests squarely with him for his failure to recognize the danger which threatened him. After challenging Burke, he and Scott awaited the outcome with complete equanimity and left the initiative entirely to their opponents. In May Hastings claimed that he had only undergone 'twelve or fourteen days of personal labour' since the proceedings began.⁴ Most of the papers laid before the House and all the witnesses it examined were called for by the prosecution. Hastings did not resume a press campaign on the scale of that of 1782 or 1783 until after the Benares vote. No serious efforts were made to enlist support in the Commons; 'I have not desired the attendance of a single

¹ Hastings's Diary, 16-21 June 1786, Add. MSS. 39880, ff. 29-30.

² To T. O'Beirne, 29 Sept. 1786, *Burke Corr.* v. 281.

³ To D. Anderson, 12 Sept. 1786, Add. MSS. 45418, f. 6.

⁴ To G. N. Thompson, 20 May 1786, *Gleig*, iii. 288.

member', Hastings wrote; 'I have disdained every species of management.'¹

His friends blamed him for incompetence in such efforts as he did make, as well as for inertia. The flaws in his Defence were an obvious example. He was advised to avail himself 'of that benefit which can be afforded by those who are in the habit of arranging and contrasting evidence';² but he employed no professional legal assistance until the next year. The much-publicized episode of the Nizam's diamond was a final disaster. After a chapter of accidents, the diamond, sent to Hastings by the Nizam of Hyderabad to be presented to George III, arrived on the day after the Benares vote—to the delight of the opposition press, who at last saw nature imitating art.

The new session began in January 1787 with the further examination of Nathaniel Middleton, the former Resident at Lucknow, on the Begams charge. The wreck of Hastings's Defence left Middleton at the mercy of Sheridan, who conducted the major part of his examination, but he added greatly to his own tribulations by his prevarication, evasions, and famous lapses of memory. While it is unlikely that many members attended the examinations, reports that Hastings's subordinates broke down under close questioning must have added to the impression, already created by his Defence, that he had much to hide. Elliot saw 'a sort of concurrence of administration with us, and a degree of *disfavour* to the *Indians* that surprised everybody'. He reported that Dundas had questioned Impey in a most hostile manner and that it 'was said by very good authority that ministry had *given up* both *Hastings* and *Impey*, and that *Dundas means to impeach Impey*'.³

The Begams charge was opened by Sheridan on 7 February in a triumphant speech, which was acclaimed as an unparalleled *tour de force*. The success of the speech was most timely: the momentum of the prosecution, so laboriously built up during 1786, was recovered at a stroke. The speech

¹ To G. N. Thompson, 20 May 1786, *Gleig*, iii. 289.

² Archbishop Markham to Hastings, n.d., Add. MSS. 29169, f. 238.

³ To his wife, 3 Feb. 1787, Minto MSS. M. 18 (incomplete version in *Minto Life and Letters*, i. 122).

attracted immense publicity, which Burke recognized was urgently needed if the impeachment was not to lapse through apathy, or if attendances were not to dwindle to a level at which it could be unobtrusively killed in a thin House. An eighteenth-century House of Commons was always susceptible to oratory of a high order, and Sheridan made a spectacular impact upon it. Those who tried to speak for Hastings on the same night or the next day were subjected to constant interruptions. Daniel Pulteney wrote of Wilberforce 'perpetually besieging' Pitt, and of 'several of our own people clamouring at times with Sheridan from different parts of the House'.¹ Two members proclaimed that they had been converted by Sheridan,² and it is probable that several others allowed their judgement to be swayed by their sense of the occasion.

It was 'generally believed' by the opposition that Pitt would again vote for the charge.³ He rejected a demand for a division on the first night, reserving his speech for the next day, when he described the charge as 'that of all others which bore the strongest marks of criminality', and in general dealt with Hastings far more severely than he had done over Benares.⁴ His asperity caused some surprise. Daniel Pulteney believed that he had gone further in his speech than he had at first intended, and heard that he had instructed the Attorney-General to oppose Sheridan; but this unenviable task was undertaken by James Bland Burges in his maiden speech.⁵ He too believed that Pitt had changed his mind during the debate. He later wrote that Pitt had encouraged him to speak and had gone 'far into the subject with me, in a manner so earnest and so cordial as to leave me no doubt in my mind of his sentiments respecting it'.⁶ It is possible

¹ To Rutland, 9 Feb. 1787, *H.M.C. Rutland MSS.* iii. 370.

² Spencer Stanhope (M.P. for Hull) and Matthew Montagu (M.P. for Bossiney), *Wraxall, Memoirs*, iv. 391.

³ T. Pelham to Lord Pelham, 3 Feb. 178[7], *Add. MSS.* 33128, f. 363.

⁴ *Parl. Hist.* xxvi. 331-6.

⁵ Burges (1752-1824) was M.P. for Helston. Hastings wrote of him as 'supposed my advocate' (*Diary*, 13 Feb. 1787, *Add. MSS.* 39880, f. 47), but they later became close friends. Burges's letters to his wife (recently deposited in the Bodleian) show that while he was a sincere admirer of Hastings he was also conscious that his defence was a cause which would bring welcome publicity to a new member.

⁶ Hutton, ed., *Bland Burges Corr.* pp. 81-82.

that Pitt, impressed with the reception of Sheridan's speech, may have spoken more forcefully than he had planned to do, but the similarity between his speech and the legal advice submitted to the government suggests that there is no question of his having changed his vote.

In the wake of their triumph on the Begams charge, the opposition hoped to persuade the House to pass a vote that Hastings should be impeached at the bar of the House of Lords. The ground was prepared by the insertion of paragraphs in the press asserting that Hastings and Impey had sold out their holdings of stock—Hastings for £300,000¹ and Impey for £150,000²—and were preparing to abscond. On 19 February Burke suggested that steps should be taken 'to render the person and property of Mr. Hastings amenable to justice'. Pitt's reply was discouraging; he implied that all the charges which Burke wished the House to consider should be debated before an impeachment could be voted.³

The charge on Farrukhabad was opened on 2 March by Thomas Pelham, after a delay which had enabled the opposition to 'convert Pitt who was originally not satisfied'.⁴ The debate was marked by an intervention by Admiral Hood, who, pleading for leniency in judging those who held important commands in times of national emergency, apparently made a considerable impression on the House.⁵ In reply, Pitt stated that any 'set-off' of Hastings's difficulties and his achievements against his offences must now be left to the House of Lords. Before the contracts charge was debated, Burke again heard that Pitt and Dundas were unconvinced and again proposed delay. But Dundas refused any postponement and disagreement showed in the voting. Pitt accepted three out of the many transactions included in the charge as potential articles of impeachment, but an amendment finding criminal matter in two more was passed against him by 66 votes to 57. Elliot observed that he 'took

¹ Hastings's Diary, 19 Feb. 1787, Add. MSS. 39880, f. 47.

² *Whitehall Evening Post*, 20 Feb. 1787.

³ *Parl. Hist.* xxvi. 675-8; also Elliot to his wife, 20 Feb. 1787, *Minto Life and Letters*, i. 129.

⁴ Elliot to his wife, 17 Mar. 1787, Minto MSS. M. 18.

⁵ *The Annual Register*, 1787, p. 154.

his beating without the appearance of any disappointment. Some politicians will imagine that he was not sorry to lose that division as he will have it to say to the King in justification of his concurring in the impeachment of Hastings that he *cannot carry* the House against it.¹ On 22 March the Faizullah Khan charge, introduced by Windham 'with his face the colour of a lemon', was carried by 96 votes to 37.

By the end of March Pitt no longer insisted, as he had done in February, that all the charges which were to be sent to the House of Lords must be discussed before the Commons could pass a vote formally impeaching Hastings. He evidently recognized that the House had shown its opinion unmistakably in passing five charges, and that he himself was firmly pledged. As always, the administration were anxious to dispose of parliamentary business as rapidly as possible, and on 22 March Dundas told Burke that he hoped the impeachment would be 'carried up to the House of Lords before the Easter recess'.² The opposition accordingly planned to complete the final stages of Hastings's impeachment in the Commons on 2 April. They proposed to read the report from the Committee of the Whole House, which had been considering the charges since April 1786, and then to move that an impeachment be voted, and that a committee should be appointed to draft the final articles on which Hastings would be tried. Every effort was made to rally support for what was regarded as the crucial division. Burke warned Dundas that unless Pitt voted as a minister and not as a man, the impeachment would fail.³ But Hastings's allies were pessimistic. J. J. Hamilton and John Nicholls⁴ hoped to put off the vote, presumably so that they could use the Easter recess for a last attempt to rally sympathizers.⁵ Hamilton moved on 27 March that consideration of the report on the Charges from the Committee of the Whole House should be postponed; but both Pitt and Dundas objected and he withdrew his motion.

¹ Elliot to his wife, 17 Mar. 1787, Minto MSS. M. 18.

² *The Parliamentary Register*, xxi. 503.

³ To Dundas, 25 Mar. 1787, *Burke Corr.* v. 314.

⁴ See below, p. 59.

⁵ Hastings's Diary, 25 Mar. 1787, Add. MSS. 39880, f. 50.

All seemed set for the decisive vote which would send Hastings to the House of Lords, when, at the last moment, Pitt insisted on further delay so that the House of Commons could define more precisely the case it intended to bring against Hastings. On 27 March Pitt had said that although he opposed any postponement of the report, 'he might be induced to think that the impeachment ought not to be voted on the day of bringing up the report'.¹ Shortly afterwards, Burke was told in a letter from Dundas that Pitt could not agree to the vote of impeachment being taken until properly drafted articles had been submitted to the House.² Pitt had frequently complained about the diffuseness and the complexity of the charges and in his speeches had indicated that there were only certain parts of them which he found criminal. On 22 March he had promised that 'having only partially acquiesced in the propriety of several of the charges . . . he should endeavour to bring the matter before the House in such a way, as would, . . . relieve him from the unpleasant predicament of being obliged either to dissent *in toto* from a proposition, to several parts of which he wished to give his concurrence, or to vote for one which contained some circumstances to which he was adverse'.³ Burke complained bitterly to Dundas of Pitt's 'change of opinion';⁴ but 'to avoid a separation and division of our combined forces' he stopped short of open resistance in the House.⁵

On 2 April Sheridan opened the presents charge, which passed by 165 votes to 54. The report of the Committee of the Whole House was then read, and a resolution that it contained grounds for impeachment was passed on the next day, when the House also appointed a committee, consisting entirely of members of the opposition,⁶ who were, in Pitt's words, to 'separate and analyze the charges, so as to distinguish the real guilt from that which was unfounded'. The

¹ *The Parliamentary Register*, xxi. 515.

² Dundas's letter is missing, but Burke's reply of 1 Apr. survives (*Burke Corr.* v. 317-19).

³ *Parl. Hist.* xxvi. 779.

⁴ 1 Apr. 1787, *Burke Corr.* v. 318.

⁵ Elliot to his wife, 3 Apr. 1787, *Minto Life and Letters*, i. 150.

⁶ *C.J.s.* xlii. 623-4 and 628. The members of the committee were: Burke, Fox, Sheridan, Sir J. Erskine, Pelham, Windham, St. A. St. John, J. Anstruther, W. Adam, M. A. Taylor, W. Ellis, F. Montagu, Sir G. Cooper, Francis, Elliot, Long, Lord Maitland, G. A. North, Gen. J. Burgoyne, and C. Grey.

House of Commons would not formally commit itself to an impeachment until it had seen the articles to be produced by this committee. But Pitt added that 'nothing could possibly occur that should now induce them to reject the vote of impeachment . . .'.¹

Pitt's attempt to secure more accurate drafting was an almost total failure. When Burke had introduced his charges in 1786, he had told the House that he presented them with 'his rough ingots, and left it for them to polish and put them into shape and form'.² Fox agreed that they were not 'articulated charges, but merely general collections of accusatory facts'.³ But a year later Burke was rigidly opposed to any real modification of the charges. He refused to admit that they were 'improperly drawn',⁴ and claimed that to abandon 'any point, strong in criminality' would be to 'appear with a more feeble and unimpressive case before the House of Lords than that which we are entitled to upon the original merits'.⁵ The committee appointed on 3 April produced twenty articles which were in general somewhat contracted versions of the original charges. Contraction had not altered their structure, which, although professional counsel had been employed on them, still conformed closely to Burke's original plan of a 'tolerably clear historical state of the delinquencies'. The final articles of impeachment were still inordinately long;⁶ reading them, with Hastings's answers, 'in so monotonous a chant' as to be unintelligible, occupied the first two days of the trial—to the mortification of the audience.⁷ The articles were shown to Dundas and, no doubt, to Pitt before they were presented to the House after the recess.⁸ But Burke's persistence seems to have carried the day; if ministers protested that the articles were still inadequate, their protests were ineffective, and they cannot therefore avoid some responsibility for the articles' fate in the House of Lords.

¹ *Parl. Hist.* xxvi. 878.

² *Ibid.* xxv. 1397.

³ *Ibid.* xxv. 1395.

⁴ To Dundas, 1 Apr. 1787, *Burke Corr.* v. 318.

⁵ To Dundas, 25 Mar. 1787, *ibid.* v. 313.

⁶ *C.fs.* xlii. 666 seq., 753 seq., 833 seq.

⁷ *Diary and Letters of Madame D'Arblay*, iii. 415.

⁸ Burke to Dundas, 14 Apr. 1787, *Burke Corr.* v. 326.

The postponement of the final vote until after the Easter recess brought no relief to Hastings, who believed impeachment to be inevitable, and indeed desired it. On 3 April Scott delivered a message from Hastings asking his sympathizers to vote for his impeachment.¹ Francis opened the revenue charge on 19 April and, in spite of Pitt's objections that differences over policy did not constitute a criminal charge, his motion was carried by 71 votes to 55. The first six articles of impeachment were read for the second time on 9 May. John Wilkes and Nathaniel Smith, the deputy chairman of the Company, spoke at length for Hastings, but the second reading passed by 175 to 89; and on the next day the House formally instructed Burke to impeach Hastings at the bar of the House of Lords. Hastings was taken into custody by the Sergeant-at-Arms and was bailed for £40,000.² A seventh article—the revenue—was reported on 10 May. On 14 May a Committee of the Whole House passed the sixteenth charge—'Misdemeanors in Oude'—without a division or any serious discussion (a fact which Hastings's pamphleteers were later to exploit to the full), and this charge was divided into thirteen separate articles of impeachment.

During the 1787 session Hastings showed some awareness of his mistakes in the previous year and began a more effective, if belated, campaign for his defence. He instructed his friends still in Bengal to collect 'testimonials' from Indians, to 'refute the calumnies with which I have been loaded, and ascertain whatever pretensions I may have to more positive merit'.³ These testimonials, which arrived in England in 1788, were given the utmost publicity. Those acquainted with Indian conditions might well doubt their value as spontaneous expressions of opinion (even though Lord Cornwallis did his best to ensure that no official pressure was used to obtain them), but they seem to have made a considerable impression in Hastings's favour. In 1786 Hastings had boasted of his disregard for support in the House of Commons; after the Benares vote a group of sympathizers began

¹ *Parl. Hist.* xxvi. 889-90.

² £20,000 on his own recognizance and £10,000 each from two sureties (John Sullivan and William Sumner).

³ To Shore, 19 Feb. 1787, *Gleig*, iii. 321.

to form round him. His chief problem, which he never overcame, was to attract members of sufficient standing to impress the House with their disinterestedness. The support of 'East Indians', even if they had been willing to give it, would have done his cause more harm than good. Only one county member, Philip Yorke, M.P. for Cambridgeshire, seems to have been willing to give him active help.¹ Others prominent in his defence were George Dempster, whose impartiality even the opposition were prepared to concede,² and John Nicholls³ and J. J. Hamilton,⁴ who appear to have been his principal advisers on parliamentary tactics. A few others, such as the veteran radical John Wilkes and James Bland Burges, spoke for him on occasions. Without an access of members of high prestige or a clear sign of favour from the administration, Hastings's supporters were never strong enough to win a division. Hastings also employed professional legal assistance for the first time in 1787. On 19 February a firm of solicitors were instructed to offer retainers to counsel. They at first approached Edward Law⁵ and Thomas Erskine;⁶ Law accepted immediately, but Erskine, although attracted by Hastings's case, evidently felt that to appear for him would be inconsistent with his own political connexions, and declined. There was some difficulty in finding a replacement for him; James Mansfield, Dr. Wynne, and Sergeant Lawrence were all approached unsuccessfully before Thomas Plumer⁷ and Robert Dallas⁸ accepted.⁹ Unlike the Defence

¹ Yorke (1757-1834), later 3rd Earl of Hardwicke, had given Hastings advice in June 1786 (Diary, 21 June 1786, Add. MSS. 39880, f. 30) and he seconded Hamilton's motion of 27 Mar. 1787 (see above, p. 55). For some reason, other members of the Yorke family were also well disposed to Hastings; Philip's uncle Lord Dover gave him help in the Lords.

² Dempster (1732-1818) was a former Director of the East India Company and ally of the Rockinghams.

³ Nicholls (c. 1746-1832) appears to have been a friend of Impey. He published a book of *Recollections and Reflections* in 1820, which contains little of value on the impeachment.

⁴ Hamilton (1756-1818) was later 1st Marquess of Abercorn; M.P. for St. Germans.

⁵ Law (1750-1818) was later Attorney-General and Lord Chief Justice and 1st Lord Ellenborough.

⁶ Erskine (1750-1823), later 1st Lord Erskine and Lord Chancellor, was soon to be, if he was not already, the most effective advocate of his age.

⁷ Plumer (1753-1824) was later Solicitor-General and Attorney-General.

⁸ Dallas (1756-1824) was later Chief Justice of the Common Pleas.

⁹ Solicitors' accounts, Add. MSS. 29224, ff. 2-7.

for the House of Commons, which had been composed by Hastings and his Indian friends, the Answer to the articles of impeachment was written by counsel.

All this activity would have been more appropriate in 1786. The Benares vote could only have been reversed by a series of quick victories at the beginning of the new session; but any hope of this was frustrated by the strength of the prosecution's case on the Begams charge. After the Begams vote the tide showed no signs of turning, and Hastings quickly reconciled himself to appearing in the House of Lords.

The new parliamentary session opened in December 1787, but the trial did not begin until the following February. When the House of Commons selected the committee of Managers who were to conduct the prosecution before the House of Lords, Philip Francis paid the penalty for the mistrust which he had aroused in many members. His name was excluded from the committee, and a motion by Fox to reinstate him was defeated, with Pitt, who had attacked Francis on previous occasions, voting in the majority.¹

Since 1787 the opposition had also been engaged in prosecuting Sir Elijah Impey, the Chief Justice of the Supreme Court at Calcutta for most of Hastings's administration. Impey enjoyed an unenviable reputation. The author of a pamphlet called *The Conduct of the present Parliament* wrote that, although there had been 'an extreme difference of opinion' about Hastings, 'respecting Sir Elijah Impey there was no difference of opinion, no division of sentiments. The public were agreed in their ideas of his conduct.'² Impey's notoriety shows how widely the view that the execution of Nandakumar³ was what the Marquess of Buckingham called 'foul legal murder' was accepted without question.⁴ 'If you are in the hanging mood', Cornwallis wrote, 'you may tuck

¹ The committee of Managers was the same as the committee appointed to draft articles (see above, p. 56), without Francis, Sir G. Cooper, and W. Ellis (F. Montagu was also omitted but joined the Managers in Jan. 1788) and with the addition of R. Wilbraham, J. Courtney, and R. Fitzpatrick.

² 2nd ed. (1789), pp. 48-49.

³ See below, pp. 141-2.

⁴ To W. Grenville, 13 May 1788, *H.M.C. Dropmore MSS.* i. 328.

up Sir Elijah Impey, without giving anybody the smallest concern.¹ It should be added that Impey hardly deserved this reputation. He was too willing to involve himself in political disputes, and excessively concerned with his financial interests and those of a number of dependants, but accusations against his judicial integrity, on the Nandakumar case or in other instances, have not been substantiated.²

Elliot was made responsible for the prosecution of Impey, which he welcomed since it excused him from taking too leading a part against his brother's old patron. From the outset Elliot received encouragement from Dundas, who told him that he thought Impey 'worse than Hastings, and that I should find no difficulty in carrying on the prosecution.'³ But the administration evidently did not wish to see impeachments encroaching further on parliamentary time during 1787; hints from Pitt and Dundas induced Elliot first to postpone proceedings until after Easter, and then, with Dundas assuring him that they were 'warm friends to my measure', until the next session.⁴ After the recess Elliot's hopes of retaining the government's support began to fade. He heard that 'Burke suspects from some conversation he had with Dundas that government is not so hearty in this prosecution as they were'.⁵ Early in 1788 he still believed that Pitt 'intends to give me the charge on Nundcomar although he means to dissent from some of the points of law'.⁶ Shortly afterwards his worst fears were confirmed.

We had complete evidence yesterday that it is the intention of Pitt and of all his friends to support him and there is every reason to believe that I shall be defeated. . . . Dundas is not yet returned from Scotland, which is perhaps rather a suspicious circumstance, as he was pretty much committed and pledged to me in his conversation and conferences on the subject.⁷

The Nandakumar charge was rejected on 9 May 1788 by 73

¹ To Sydney, 7 Jan. 1788, *Cornwallis Corr.* i. 322.

² For a recent assessment of him see B. N. Pandey, 'Sir Elijah Impey in India 1774-83', unpublished London Ph.D. thesis (1958).

³ To his wife, 20 Feb. 1787, Minto MSS. M. 18.

⁴ To his wife, 21 Apr. 1787, *ibid.* M. 18.

⁵ To his wife, 10 Nov. 1787, *ibid.* M. 19.

⁶ To his wife, 18 Jan. 1788, *ibid.* M. 19.

⁷ To his wife, 5 Feb. 1788, *ibid.* M. 19.

votes to 55;¹ the second charge against Impey was postponed pending the decision of an appeal on the same grounds to the Privy Council; and the opposition eventually decided to abandon his prosecution altogether.

Impey defended himself very much more ably than Hastings had done and succeeded in dispelling some of the prejudices against him, but there seems to be little doubt that he owed his escape to Pitt's decision to oppose his impeachment. Pitt's intentions, unlike his views on Hastings, were known in advance by his followers. Those who disagreed with him or who, like Dundas, felt that they had committed themselves against Impey, used the recognized method of trying to avoid embarrassment and stayed away from the debate; the number of absentees is reflected in the comparatively low government vote. There is nothing to suggest that Pitt was not convinced that Elliot had failed to prove his case against Impey, but it seems—although it is not easy to see why—that the defeat of Impey's impeachment had also become a matter of government policy. It is possible that Pitt was afraid that a second impeachment would give the opposition too great a lever for obstructing the business of the House, or for intervening in Indian affairs, or even that he felt that the whole process of impeachment would become debased.

The Commons' decision to vote an impeachment against Hastings seems to have been a genuine expression of the idealism and prejudices of ordinary members and not the result of any Machiavellian plot by ministers. In some respects the House of Commons had done its work badly: it had failed to sift the grain from the chaff in Burke's charges and to present the House of Lords with a clearly defined case against Hastings; and had members foreseen the hardship that seven years of trial were to inflict on Hastings, they might not have left the decision as to whether Hastings's difficulties and achievements outweighed his blemishes to the House of Lords. On the other hand, to most members, a self-conscious desire to do justice and to

¹ A division list—the only one which appears to exist for any of the Indian prosecutions—is printed in *Parl. Hist.* xxvii. 491-2.

uphold the reputation of the House seems to have counted for more than normal political calculations. In place of accurate information about India, two emotions seem to have competed: most men, from George III downwards, believed that great abuses had been committed, but most men also suspected that Burke's enthusiasms were those of a crank. By persistence Burke was able to establish that there was some substance to his crusade, while Hastings failed to convince the majority of the House that generalizations about the Company's rule were either untrue or inapplicable to him. In 1792 even Major Scott admitted that the 'country gentlemen' had voted for the impeachment.¹

¹ *Mr. Burke's Speech in Westminster Hall on the 18th and 19th of February 1788, with Explanatory Notes* (1792), p. xxxv.

IV

THE IMPEACHMENT BEFORE THE LORDS

ALTHOUGH the threat of an impeachment was a commonplace of eighteenth-century political tactics, the prosecution of Hastings was the first attempt to carry out such a threat since 1746. The revival of a process after forty years left room for two sharply conflicting conceptions of the methods by which the case ought to be tried: the Managers for the Commons urged that the House of Lords should follow the precedents of earlier impeachments embodying 'the law of parliament', while most lawyers held that to do this would be to revive an anachronism, and that an impeachment should be conducted by the strictest standards observed in other courts. These views were summarized in a debate on procedure in the House of Lords on 21 February 1788. Lord Loughborough argued that 'the law of parliament was not to be shackled by the rules of the courts below, while they [*sic*] did not violate the substantial rules of justice'.¹ To which Lord Thurlow, the Lord Chancellor, replied: '... if we talk of the law and usage of parliament, and are bound by it, what injustice shall we not commit?'² This conflict between the custom of parliament and analogies from the common law was to run through the whole of the trial, and its decision in favour of the common law played a major part in securing Hastings's acquittal.

As more and more of their evidence was rejected as inadmissible by ordinary legal standards, the Managers became increasingly insistent that the Lords ought not to be influenced by the 'rules of the courts below'. The most powerful defence of their point of view was made in the report issued on 30 April 1794 by a committee of the House of

¹ *Parl. Hist.* xxvii. 57; also the 7th point in the Dissentient at the end of the debate (*L. Jts.* xxxviii. 88).

² *Parl. Hist.* xxvii. 62.

Commons set up to inquire into the causes for the excessive length of the trial. The theme of the report was

... that the Lords, in matter of appeal or impeachment in parliament, are not of right obliged to proceed according to the course or rules of the Roman civil law, or by those of the law or usage of any of the inferior courts in Westminster Hall; but by the law and usage of parliament.¹

At his most extreme, Burke went even further, stating views which strengthen the case of those who have seen a conception of natural law as an important element in his political thinking. In a dispute on evidence he said:

We are before a court which may be called eminently a court of honor—not a court of chicane. This is a court, in which you judge principally from those principles which God has planted in the breasts of men, which education has improved and a high situation brings to perfection.²

He claimed on another occasion:

... we have here the natural reason of men, the principles of honor, the spirit of cavaliers to govern here; not the low principles of jurisprudence only.³

The obvious objection to precedents from previous impeachments was that in most of them legal standards had been subordinated to political ends.⁴ The Managers were often reduced to supporting their claims for greater latitude in procedure by instances from Strafford's trial. More recent impeachments, the attacks on Danby, the execution of Lord Stafford after the Popish Plot, the trial of Sacheverell, and the acts of vengeance after the Fifteen and the Forty-five, also had obtrusive political backgrounds. There was one exception, where political motives do not appear to have been important, which was the trial of the Lord Chancellor, Lord Macclesfield, in 1725. But if the precedents from his trial were certainly respectable, they did not prove the

¹ The committee consisted of the Managers. The report is attributed to Burke and is printed in his *Works*, vi. 423 seq. For passage quoted, see p. 428.

² Minutes, 20 May 1790, Add. MSS. 24233, f. 295.

³ Minutes, 27 May 1789, Add. MSS. 24230, f. 235.

⁴ For previous impeachments see J. Hatsell, *Precedents of Proceedings in the House of Commons* (2nd ed., 1818), iv.

Managers' point; Macclesfield had been accused of selling Masterships in Chancery, and had been convicted by methods which would have been perfectly acceptable in any other court.¹

Thomas Erskine, who was normally a supporter of the opposition, expressed the doubts felt by many lawyers at the revival of an impeachment:

For my own part, I do not think that in the present state of society in this country an impeachment, except for palpable corruption in a minister acting under the King's authority here at home is a proceeding that can be vindicated. . . . Corruption brought home by evidence as the motive for an act of government which is attended with mischief ought to subject a minister to impeachment. . . . But when error of judgement is made the subject of [a] criminal charge, it is very different, . . . the wickedest man would be acquitted or the most innocent convicted, according to the strength of the party prosecuting or defending.²

In answer to the Managers' claims for special rules of procedure, George Hardinge wrote that an impeachment was 'the most elevated scene that human justice can admit: *not* because it has rules of its own, at a moment's warning, for any of its purposes, adverse to the culprit', but '*because* it rescues a national concern from courts that would be unequal to it . . .'.³ ' . . . there is, or rather was, a *Lex et Consuetudo parliamenti*,' wrote John Reeves,⁴ 'being a rule of judging and administering justice, with a latitude, and scope differing from the rule of the common law; but that this *lex* etc. has no longer a subject, or an occasion, on which it can be exercised'.⁵

The Managers argued that even if the precedents were antiquated, an impeachment unrestricted by conventional legal procedure was the only way to overcome the difficulties which had frustrated all other efforts to enforce justice on the East India Company's servants, and they accused the Lords

¹ *State Trials*, xvi. 767 seq.

² To Shipley, n.d., Add. MSS. 29196, ff. 6-7.

³ *A Series of Letters to the Right Hon. Edmund Burke; in which are contained Enquiries into the constitutional existence of an Impeachment against Mr. Hastings* (1791), pp. 174-5.

⁴ (c. 1752-1829.) A lawyer of markedly authoritarian views.

⁵ To Hawkesbury, 24 Feb. 1788, Add. MSS. 38222, f. 322.

of allowing the technicalities of the law to screen oppression; a view of Hastings's trial which James Mill with his utilitarian disdain for the common law was to endorse.¹ The record of previous prosecutions for offences committed in India was certainly ignominious: the Company had begun several suits against their servants in India without achieving a conviction;² Lord Pigot's opponents had been convicted in King's Bench of wrongful imprisonment, but Burke regarded their fines of £1,000 as wholly inadequate; finally, proceedings on the Bill of Pains and Penalties against Sir Thomas Rumbold had been adjourned in 1783 and had not been revived.³ The parliamentary opposition had, however, helped to defeat an attempt to create machinery to deal with Indian offences. Pitt's India Act of 1784 included several clauses designed to provide a 'more effectual course than the common law' for trying 'persons guilty of the crime of extortion'. A tribunal drawn from both Houses of Parliament and able to use considerable latitude in accepting evidence was to hear such cases, and returned Company servants were to be compelled to swear inventories of their fortunes.⁴ The inventories were dropped and the powers of the new court were redefined in the Judicature Act of 1786;⁵ but agitation against it, in which Burke and Francis played conspicuous parts, continued, and it was never constituted.⁶

The Managers defended their conception of impeachment not only as historically justified and practically necessary

¹ 'The power of obstructing justice, which English law thus puts into the hands of her professors, received a memorable and flagrant illustration, on the trial of Warren Hastings' (*History of British India* (4th ed., ed. H. H. Wilson, 1840), v. 298). Mill used his long chapter on Hastings's impeachment (vol. v, chap. ii) as a vehicle for his own views on law reform, but it remains the most comprehensive discussion of the legal and constitutional issues raised by the trial.

² See summary of the suits in Add. MSS. 38407, ff. 182-208.

³ Blackstone described a Bill of Pains and Penalties as a prosecution by 'new laws made *pro re nata*', and an impeachment as a prosecution by 'known and established law' (Hatsell, iv. 98). There were several eighteenth-century precedents for the use of Bills of Pains and Penalties, but Burke said he would not employ a process which must both 'press, with the severity of injustice' on the accused, and 'tarnish' the House of Commons (*Parl. Hist.* xxv. 1067).

⁴ 24 Geo. III, c. 25, secs. 64-82.

⁵ 26 Geo. III, c. 57.

⁶ The new court would have been used to try the case of Edward Hollond, accused in 1794 of misconduct while Governor of Madras; but Hollond absconded (*The English Reports*, ci (1909), 340-50).

but also as an essential safeguard for 'the personal privilege of every individual of this country'.¹ But emotive arguments were not limited to one side. Hastings's supporters replied that the abuse of parliamentary privilege was a far more urgent threat to the rights of the individual; with overtones of Wilkes, such an appeal was not to be despised.

There could be little doubt which view of impeachments would commend itself most to a House of Lords where legal specialization was making rapid progress. While complete separation of the judicial and political work of the House was not achieved until the middle of the nineteenth century, the monopoly of the law lords over legal business was not often challenged.² The outvoting of the lawyers in the House by the bishops on an appeal in 1783, in which the Bishop of London was concerned, was thought to be abnormal and even scandalous.³ In spite of the Managers' protests, a similar deference was shown to the opinions of the judges throughout Hastings's trial. Their decisions, with the dicta of the Lord Chancellor, show that the court was strongly opposed to any theory that impeachments were governed by a special usage of parliament. The judges attended every sitting of the court, which was suspended during the circuit, and decided twelve out of the thirteen questions referred to them against the prosecution,⁴ quickly convincing Burke that they were all, especially the Lord Chief Justice, Lord Kenyon, incorrigibly biased in favour of Hastings.⁵ The Managers admitted that questions had been referred to judges at previous impeachments, but they insisted that they attended in a purely advisory capacity and that 'their answers to questions put to them are not to be regarded as declaratory of the law of parliament, but are merely consultory responses . . .'.⁶

If the legal element in the House of Lords was stronger than it had been for any previous impeachment, it was very

¹ Speech of Fox, 22 Feb. 1783, *Bond*, i. 184.

² W. S. Holdsworth, *A History of English Law* (1903-52), x. 609-11. A. S. Turberville, *The House of Lords in the Age of Reform* (1958), pp. 185-200.

³ Turberville, p. 201.

⁴ Report of 30 Apr. 1794, *Burke Works*, vi. 522-8.

⁵ To Charlemont, 10 July 1789, *H.M.C. Charlemont MSS.* ii. 101.

⁶ Report of 30 Apr. 1794, *Burke Works*, vi. 427.

much weaker in the committee of Managers chosen by the Commons. No member of the administration served on the committee, which meant that, for the first time since the Revolution of 1688, the crown law officers were not associated in the prosecution of an impeachment. As only two of their number, William Adam and John Anstruther, were practising lawyers, the Managers retained as counsel for the prosecution: Richard Burke—Edmund's younger brother,¹ French Laurence,² Sylvester Douglas,³ William Scott,⁴ and Arthur Pigott.⁵ The Managers chose Albany Wallis and Richard Troward as their solicitors. Counsel for the Managers, unlike Hastings's counsel, were not permitted to address the court, and their work was limited to advising the Managers on points of law and collaborating with them in drawing up briefs. Laurence described the hazards of working on a brief with Burke: '*I must observe in confidence that he does so ride up and down, backwards and forwards, so trot, canter, and gallop now on the high road, now on the turf and sometimes by a short cut, till he is stuck in the mire or lost in a wood; that we are not in truth very far distant from the place where we set out.*'⁶

Within a week of the opening of the trial, the House of Lords had made it clear that it intended to follow contemporary legal practice rather than seventeenth-century precedents. Quoting the trials of Middlesex and Strafford, Fox called on the court to hear the evidence and give its verdict on each article separately before going on to the next. The Lords debated the question on 21 February 1788 and decided by 88 votes to 33 to hear the prosecution's evidence on all the articles before hearing the defence.⁷ This was an important point gained for Hastings. Events in the House of

¹ Richard (1733-94) was Recorder of Bristol. His appointment by his brother was characteristically unwise; it inevitably swelled the volume of allegations that Burke indulged in jobbery on his relatives' behalf.

² Laurence (1757-1809) was just beginning his career as a civil lawyer. His collaboration with Burke led to an enduring friendship; he was to be one of Burke's literary executors.

³ Douglas (1743-1823), later 1st Lord Glenbervie, resigned as counsel to become secretary to the Lord-Lieutenant of Ireland in 1793.

⁴ Scott (1745-1836), later 1st Lord Stowell, resigned as counsel in 1789.

⁵ Pigott (1752-1819) was Attorney-General in 1806.

⁶ To Elliot, 7 July 1788, Minto MSS. Box 22. ⁷ *Parl. Hist.* xxvii. 54-65.

Commons had shown that the prosecution's slender chances of obtaining a conviction on any of the articles would be at their best while the atmosphere of the court was still charged with the Managers' oratory and while public opinion was at least partially sympathetic to them. It was quite impossible for the Managers to keep up indignation against Hastings for seven years.

During the course of the trial, the two main points at issue between the Managers and the majority of lawyers in the House of Lords were the standards which should be applied in judging the accuracy of the prosecution's pleading and the admissibility of their evidence. By strict standards, the prosecution was extremely vulnerable on both these points. Most of the articles were so badly drafted that they included much that could not under any circumstances be considered criminal, while they left out some topics on which the Managers later wanted to bring evidence; and a considerable part of the evidence that was offered would not have been accepted in other courts.

In a series of speeches in 1795 which amounted to a summing-up, both Thurlow, with his strong predilections in favour of Hastings, and Loughborough, Thurlow's successor as Lord Chancellor in 1793, who had equally strong predilections against him, condemned the 'looseness and inaccuracy' of the articles.¹ Burke's scepticism about the outcome of the impeachment seems to be the explanation of this elementary failure. When Burke drafted his charges before the session of 1786, he never expected them to reach the House of Lords, and was therefore willing to sacrifice legal precision in order to display Hastings's crimes to the widest possible audience. His success in the House of Commons in 1786 and 1787 exceeded his most optimistic hopes, but he was not sufficiently encouraged to yield to pressure from the administration in 1787 and to make major changes in the charges when they were redrafted as articles.² He considered that if his material were to be pruned and rendered into legal form, it would become incomprehensible and would lose most of its

¹ W. Woodfall, ed., *An Impartial Report of the Debates that Occur in the Two Houses of Parliament . . .*, 1795, ii, Supplement, pp. 3-4.

² See above, pp. 56-57.

appeal to the public at large. This was too high a price to pay for a very doubtful gain. Burke was already convinced of the virtual impossibility of winning an orthodox legal victory in the face of the hostility of the leading figures in the House of Lords; he believed that it was only by attracting continued public attention that the impeachment stood any real chance of success: '... if we proceed under the publick eye, I have no more doubt than I entertain of my existence, that all the ability, influence and power that can accompany a decided partiality in that tribunal can[not] save our criminal from a condemnation followd by some ostensible measure of justice'.¹ At his most optimistic Burke hoped that a majority of the peers might be sufficiently susceptible to popular feeling to disregard their legal advisers; in his more sober moments he probably recognized that, at the most, the trial would carry the processes of educating the public about India and of vindicating himself one stage further.

The inadequacy of the Managers' drafting was exposed in the session of 1790, when the Chancellor and the judges upheld counsel's objections that, on a strict interpretation of the revenue and of the second half of the presents articles, much of the evidence offered to support them was irrelevant. Even if the shape of the articles had been determined by tactical considerations, Burke was prepared to defend them with constitutional arguments. He maintained that 'provided the matter is sufficient *de facto* and in equity to bring the party to his answer', in an impeachment 'he is bound to give that answer'.² This claim was elaborated in the report of 30 April 1794. It rested on the precedent of Strafford's trial, when the Commons had made 'new charges, or amended the old, as they saw occasion',³ and of the impeachments of Dr. Sacheverell and Lord Winton, one of the Jacobite peers of the Fifteen. Sacheverell's precedent was probably the strongest, but it had provoked a protest in the Lords' Journals⁴ and was not likely to appeal to a more legal-minded House eighty years later.

¹ To Dundas, 1 Nov. 1787, *Burke Corr.* v. 357.

² Minutes, 25 Feb. 1790, Add. MSS. 24232, f. 235.

³ Report of 30 Apr. 1794, *Burke Works*, vi. 431.

⁴ *L.Js.* xix. 106.

Even without counsel's objections, the Managers had great difficulty in finding adequate material for evidence. Their primary source was the records of the East India Company, to which they had virtually unlimited access. But this source had serious limitations. The Company's servants knew that their proceedings would be subjected to careful and sometimes hostile scrutiny in London, and therefore tended to edit them with care; and much important material never appeared on the records at all. The Hastings manuscripts show that private letters between the Governor-General and Residents at the courts of Indian rulers were usually a more important channel of communication than official ones, and on occasions replaced them altogether. The Managers fully appreciated the significance of these private letters, and in March 1787 Burke asked the chairman of the Company to obtain them from Hastings. The Directors instructed Hastings to send them 'the whole of your correspondence . . . in your official capacity of Governor-General',¹ thus permitting him, as Burke pointed out, to release no more than 'what may best suit his purposes',² and eventually to release nothing at all. Burke then suggested that the House of Commons should pass a resolution ordering Hastings to surrender all the Indian papers in his possession. Since the distinction between 'private' and 'official' documents was very ill-defined in all branches of eighteenth-century administration, and since Hastings and potential witnesses were obviously exploiting this lack of definition, this was not a wholly unreasonable request. But on a similar question in the previous session the House had shown itself opposed, in Pitt's words, to forcing any man 'to deliver up private papers for the purpose of furnishing matter of criminal charge against himself'.³ Without means of coercion, the Managers were unable to extract material to supplement the Company's records from any witness who did not wish to provide it.

Good witnesses were no easier to obtain than effective written evidence. Most of those whom the Managers called

¹ 21 Mar. 1787, Add. MSS. 29170, f. 404.

² To Dundas, [29 Mar. 1787], *Burke Corr.* v. 316.

³ *I.C.E.* ii. 173.

had been associated with Hastings and were determined to give away as little as possible. Even those witnesses who were ostensibly friendly showed considerable reluctance to appear before the Lords and to commit themselves in public. Burke was well aware of this; he wrote to Francis of John Bristow,¹ 'except for what he has furnished in the course of his own defence, we shall never get another word from him', and added, 'I don't think much better of old Fowke . . . or of young Fowke'.² Bristow's defence against accusations that his support of the impeachment was half-hearted shows the sort of considerations which deterred many of Hastings's opponents from coming out openly against him. He was apprehensive both for the past and for the future; he considered that no Company servant was safe from retaliatory charges (he himself had an allegation of illegal profits from the Residency at Lucknow hanging over him), and he was also reluctant to indulge in partisan warfare while there was a chance of his being appointed to the Supreme Council.³

The court was not prepared to accept all the material in the Company's records as admissible evidence. Hastings's counsel's greatest success was to secure the rejection of practically all the significant documents concerning Nandakumar's accusations in the first half of the presents article, on which Hastings was unanimously acquitted. The Managers were not permitted to offer anything more than Nandakumar's letter, which had been read in the Secret Consultation of 11 March 1775.⁴ The Supreme Council had begun to examine him on 13 March, but Hastings had walked out, and, although the examination was completed, Hastings claimed that in his absence the Council was automatically dissolved. When the Managers tried to introduce the examination, Edward Law objected that it had not 'the colour of legal evidence to be received in any court of judicature in the world. It has not been given upon oath. It has not been given in the presence of the party accused'.⁵ The Chancellor

¹ See below, p. 111.

² To Francis, 14 Sept. 1788, *Burke Corr.* v. 417. For the Fowkes see below, p. 93.

³ Bristow to Francis, 29 Feb. 1788, Weitzman, *Warren Hastings and Philip Francis*, pp. 375-8.

⁴ *Evidence*, p. 1000, and see below, p. 137.

⁵ Minutes, 12 May 1789, Add. MSS. 24230, f. 70.

agreed and told the Managers that the examination by itself was an 'unwarranted slander', which could only be made admissible 'by proving that Mr. Hastings had done or said something in reference to that paper'.¹ The Managers spent four days in unsuccessful efforts to do this, either by showing that Hastings had transmitted it to England or referred to it in his correspondence, and in arguing that it was part of a chain of 'circumstantial evidence', each link of which need not be strictly admissible. Similar arguments were repeated at even greater length and just as fruitlessly when the Managers offered documents supporting Munni Begam's admission that she had given Hastings one-and-a-half *lakhs*,² and Law objected that these documents were not properly authenticated either.

Even before the trial began, Burke had been conscious of the vulnerability of the prosecution's evidence. In his opening speech he said: '... you all know, what is disseminated abroad among the public—that those who cannot defend themselves upon their merits and their actions may defend themselves behind those fences and intrenchments that are made to secure the liberty of the people'.³ As the weakness of their evidence became more and more apparent, the Managers asserted, with increasing vehemence, the right of the Commons not to be bound by ordinary rules. The report of 30 April 1794 stated that: '... the court of parliament ought to be open with great facility to the production of all evidence, except that, which the precedents of parliament teach them authoritatively to reject, or which hath no sort of natural aptitude directly or circumstantially to prove the case.'⁴ The report quoted the usual precedents from tainted sources, and also tried without much success to find examples in the impeachment of Lord Macclesfield. The Commons had prosecuted Macclesfield from strength and not from weakness; they had been confident that their evidence was conclusive and had sought no special privileges for it. In fact the positions had to some extent been reversed, and they had objected successfully to evidence offered by the defendant.⁵ The decisions of the court showed that most legal

¹ Minutes, 20 May 1789, *ibid.*, ff. 117-18.

³ *Bond*, i. 10.

⁴ *Burke Works*, vi. 467.

² See below, p. 139.

⁵ *L.Js.* xxii. 536 and 541.

opinion was just as unsympathetic to claims for latitude in the rules of evidence as it had been to similar appeals over pleading.¹

While common lawyers exercised a decisive influence over the course of the impeachment in the House of Lords, they were less successful in the Commons. The views of the majority of lawyers in the House were disregarded when the Commons decided that Hastings's trial did not end with the dissolution of parliament in 1790—their most important contribution to the constitutional development of impeachments. The question of the effect of a dissolution was debated for three days in the Commons in December 1790 and in the Lords on 16 May 1791, and it also stimulated a number of pamphlets.²

The constitutional arguments on both sides appear to have been evenly balanced.³ The Lords' Journals contained two contradictory resolutions, both obviously influenced by their political contexts. On 19 March 1679 the Lords had resolved that all judicial business, including impeachments, continued from parliament to parliament.⁴ This resolution enabled the Commons to continue their prosecutions of Danby and the Catholic lords accused of complicity in the Popish Plot, and to convict Lord Stafford. The resolution was annulled in 1685 by the new parliament of James II's reign.⁵ Since 1685 there had been two instances of prisoners undergoing impeachment who had been released without further proceedings after a dissolution, but in neither case was it clear that the resolution of 1685 was the reason for their release.⁶ In arguing from analogy, one side claimed that an impeachment was a judicial proceeding, like an

¹ See a pamphlet published by Edward Christian—Professor of the Laws of England at Cambridge—in 1792, *A Dissertation shewing that the House of Lords in cases of judicature are bound by precisely the same rules of evidence as are observed by all other courts*. . . .

² See six pamphlets bound as *Tracts upon Parliamentary Impeachment* in the British Museum (517 k, 20).

³ Report of a committee of the House of Lords, 19 Apr. 1791 (*L.J.s.* xxxix. 125–69).

⁴ *L.J.s.* xiii. 466.

⁵ *L.J.s.* xiv. 11.

⁶ The case of Lords Peterborough and Salisbury in 1690, where there had also been a general pardon (*L.J.s.* xiv. 538); and of the Duke of Leeds, who had been released in 1701, 'the Commons not prosecuting' (*L.J.s.* xvi. 769).

appeal, which did not lapse, the other that it was a legislative proceeding which did. Those who thought that the impeachment was at an end argued that it died with the prosecutor, that is with the House of Commons which had brought it; those who thought it continued replied that the House of Commons were the attorneys for the 'commons of Great Britain'.

There may have been little to choose between the constitutional arguments, but Pitt believed that the impeachment ought to continue and he took decisive steps to ensure that it would. He had 'most snug and amicable' meetings with the leaders of the opposition,¹ and induced most supporters of the administration, except for the law officers, to vote with them.

Hastings's trial opened in Westminster Hall on 13 February 1788 and ended in his acquittal on 23 April 1795, after the court had sat for 149 days spread over eight years. The verdict can have caused no surprise. In 1792 and in each succeeding year Hastings's solicitors calculated that he would be acquitted by a large majority of those peers who had been attending the trial.² In the summer of 1789 Burke claimed that he did not see how the Lords could 'resist the matter which is actually before them' on the presents article alone;³ but in the winter he began 'totally' to 'despair' and to 'think of nothing but an honourable retreat'.⁴ In discussing 'our future proceedings' with Fox, Francis thought it necessary to assume that 'Mr. Hastings will, at all events, be acquitted'.⁵ Burke might still hope that the Lords, 'to keep some terms with their own reputation', would find Hastings guilty on at least one or two of the counts against him,⁶ but after 1789 his main concern seems to have been to make certain that the Managers' case was fully stated, so that the

¹ Elliot to his wife, 21 Dec. 1790, *Minto Life and Letters*, i. 373.

² They estimated that he would obtain 57 'for' to 19 'against' in 1792; 38 to 14 in 1793; and 52 to 30 'against' or 'doubtful' in 1794 (Add. MSS. 29223, ff. 93-179).

³ To Charlemont, 10 July 1789, *H.M.C. Charlemont MSS.* ii. 100-2.

⁴ To Francis, 11 Dec. 1789, Lord Fitzwilliam and R. Bourke, edd., *The Correspondence of the Right Honourable Edmund Burke* . . . (1844), iii. 127.

⁵ To Burke, 2 Jan. 1790, *ibid.* iii. 86.

⁶ To Dundas, [Mar. 1795], *Burke MSS.* (Sheffield).

public at large and posterity, if not a corrupt and biased court, would be able to judge between him and Hastings.

The trial's great length, the hardship inflicted on Hastings in spite of his acquittal, and the expenses incurred both by Hastings and the public¹ did much to discredit the further use of impeachments. Both sides tried to lay the blame for the trial's dilatory progress on their opponents. Hastings's supporters had no hesitation in accusing Burke of deliberately spinning out proceedings since he knew that an acquittal was inevitable. Burke believed that Hastings was plotting with the Lord Chancellor to obstruct the trial, and that it had been his policy from the outset '*that this cause should never come to judgment*'.² The Managers' solicitors,³ and later the Managers themselves,⁴ produced reports attributing the excessive length of the trial to the tactics of Hastings's counsel and the procedure used by the court. While the court certainly sat too infrequently, and, when it did sit, lacked any sense of urgency, the reports' conclusions are not convincing; responsibility for prolonging the trial seems in the main to rest with the prosecution.

The opening sessions of the trial, with Westminster Hall packed with peers of all ranks and a full attendance of the House of Commons and of fashionable onlookers, have been brilliantly described by Fanny Burney. The eighteenth-century public's appetite for state pageantry (not always matched by the authorities' ability to organize it in a reasonably decorous manner) appears to have been insatiable, and a state trial provided a pretext for a great deal of pageantry. The trial of the Duchess of Kingston for bigamy in 1776 had been an immense popular success, and the reputation which the Managers' oratory had acquired in the House of Commons ensured that Hastings's trial would be an even bigger

¹ Hastings's legal expenses alone amounted to £76,528 (Add. MSS. 29224), of which interest charges of £9,000 were waived by his solicitor. On 26 Feb. 1796 the Court of Directors awarded him an annuity of £4,000 (backdated to 1785 so as to give him an immediate payment of £42,000) and an interest-free loan of £50,000 (Court Minutes, civa, 1340-1). The Managers' costs amounted to £55,802 (MS. Eur. E. 47), but they were reduced to £39,887 by a commission of taxers appointed by the Treasury.

² To Dundas, 22 Mar. 1792, Burke MSS. (Sheffield).

³ H. Misc. ccxxxi. 63-125.

⁴ Report of 30 Apr. 1794, *Burke Works*, vi. 423-6.

one. Burke began the prosecution's case by expounding his views on Indian society and the importance of the impeachment in a speech of four days, embellished by sensational material not relevant to any of the articles. The Benares charge was opened by Fox and Charles Grey, and the prosecution's evidence on it was summed up by Anstruther. The Begams charge followed, opened by William Adam and summed up in the last four sittings of the session by Sheridan. Sheridan's speech was the most eagerly awaited event of the trial. It was heard by an audience who were obliged to pay large sums for their seats and to fight their way into the hall in considerable disorder:¹ a spectacle which gave Hastings the 'most rooted contempt of my own countrymen' who made the 'sufferings' of an 'unprotected individual . . . the subject of their entertainment'.² For all the panache with which they had begun their prosecution, the Managers do not appear to have made any calculations about its length; although the court sat for thirty-five days in 1788, a longer period than the whole of any previous impeachment, only two out of the twenty articles had been heard by the end of the session.

Apart from some very pertinent objections raised by Grey about the 'length' and 'expense' of the trial,³ and Sheridan's jibe that he hoped 'Hastings would run away and Burke after him',⁴ there is little to suggest dissension among the Managers during 1788. But before the 1789 session, with the opposition's morale at a low ebb after the Regency crisis, in which Burke had played an extremely controversial part, most of his colleagues seem to have had misgivings about the impeachment. The strength of these misgivings was revealed when the trial ran into a crisis which nearly brought it to a premature end. In opening the presents charge, Burke said that Hastings had 'murdered' Nandakumar 'by the hands of Sir Elijah Impey'. Hastings immediately petitioned the Commons for protection. A four-day debate on his

¹ Described in the *Public Advertiser*, 4 June 1788.

² To Thompson, 17 July 1788, S. A. Strong, *Critical Studies and Fragments* (1905), p. 223.

³ Burke to Burgoyne, 4 May 1788, *Burke Corr.* v. 394.

⁴ Duchess of Devonshire's Diary, 20 Nov. 1788; W. Sichel, *Sheridan* (1909), ii. 404.

petition ended on 4 May 1789 with the passing of a resolution, apparently supported by most of the government, that the words 'ought not to have been spoken'.¹ In his old age, Grey said that if Fox had reached the Managers' committee room early enough on the morning after the vote, on the strength of the implied censure by the House he would have stopped Burke from going to Westminster Hall and would have ended the prosecution.² Hastings heard a very similar story at the time.³ Burke told Fox a few days later that he had not received 'the slightest signification of what you wished to be done or omitted' on the morning of 5 May, until, just as he was setting out for the trial, he had been given a message asking him to apply for an adjournment. He claimed that the rest of the Managers present had advised him to continue and so he had accepted their advice.⁴ He made it clear in letters to others that he had absolutely no intention of giving up the prosecution,⁵ and if Fox had made a more resolute effort to stop him, their quarrel would probably have come to a head two years earlier than it in fact did.

Lack of enthusiasm shown by the other Managers apart, the session of 1789 was a discouraging one for Burke. Practically all the important pieces of evidence which the Managers offered on the first half of the presents article met with objections from Hastings's counsel, and in most cases the court upheld counsel's objections and ruled that the evidence was inadmissible. An immense amount of time was consumed in wrangling over evidence: Nandakumar's examination was contested for four days and documents about Munni Begam's one-and-a-half *lakhs* for five. The Managers claimed that they were forced to offer the same document over and over again because the court refused to give the reasons for its decisions.⁶ This is true; but it is also true that

¹ *C. 75*. xlv. 320.

² Grey to Allen, -1842, G. M. Trevelyan, *Lord Grey of the Reform Bill* (1920), pp. 25-26.

³ On 4 May he was told, 'The Man[ager]s had declared that to-morrow at 11 they should resign their offices' (Diary, Add. MSS. 39881, f. 76).

⁴ 11 May 1789. Lord John Russell, ed., *Memorials and Correspondence of Charles James Fox*, ii. (1853), 350.

⁵ e.g. to Charlemont, 27 May 1789, *H.M.C. Charlemont MSS.* ii. 99.

⁶ *H. Misc.* ccxxxi. 129-233.

the Managers kept up the struggle for a crucial piece of evidence as much to justify themselves to the public as from any hope of convincing the court.¹

During the 1789 session the Managers decided that they would complete the presents article, and would then bring their case to an end with one further article—the contracts. On 11 May 1790 the House gave them formal permission ‘to insist only upon such and so many’ of the articles as they judged ‘most conducive to the obtaining [of] speedy and effectual justice . . .’² But before the session of 1790 opened, Burke had to overcome more opposition from a reluctant Fox who saw no reason to go beyond the presents article.³ After 1790 his leadership remained unchallenged; the French Revolution broke all Burke’s normal political connexions with Fox, Sheridan, Grey, and even Francis, but they continued to co-operate with him, in varying degrees, in the closing stages of the impeachment. In the winter of 1790 the attempt by Hastings’s sympathizers to prevent the resumption of the trial after the general election was defeated, and the Managers finally completed their case on 30 May 1791, leaving sixteen articles virtually untouched. The speeches of Hastings’s counsel and the evidence given on his behalf occupied the sessions of 1792 and 1793.

After the close of the defence in the session of 1793, the Managers were almost entirely responsible for holding up the trial. On 20 May 1793 Hastings and his counsel decided to waive their answer to the contracts charge,⁴ and on 24 May he called on the prosecution to give their evidence in reply at once. This came as a complete surprise to the Managers, ‘there having been no prospect or possibility of his finishing his defence in a month or two at the rate which he was proceeding’.⁵ They first obtained an adjournment, and then, although a committee of the House of Commons

¹ Burke more or less admitted this on several occasions: e.g. Minutes, 11 June 1789, Add. MSS. 24231, ff. 86–87.

² C.J.s. xlv. 458–9.

³ Burke to Francis, [17] Dec. 1789, Parkes and Merivale, ii. 264–5. Francis to Burke, 2 Jan. 1790], *Burke Corr.* (1844 ed.), iii. 85–88; also Hastings’s Diary, 25 Feb. 1790, Add. MSS. 39882, f. 14.

⁴ Hastings’s Diary, Add. MSS. 39882, f. 122.

⁵ Elliot to his wife, 24 May 1793, Minto MSS. M. 21.

reported that they would be ready to begin on 12 June, applied for leave to postpone their reply for a year. With Hastings sending notes to '60 or 70' members,¹ the House rejected their application by 66 votes to 61. But on the next day the motion was put again and carried with strong government support.²

The prosecution's reply began on 25 February 1794 and continued until 28 May, when Burke made his final speech. It quickly became apparent that he intended to speak until there would not be enough time left in which to give judgement during the 1794 session. On the third day of the speech Hastings sent Sir John D'Oyley to see Pitt, and received a message from the Secretary to the Treasury that the trial would finish that year.³ On the fourth day he petitioned the Lords to extend the session.⁴ But Burke was inexorable; he spoke for five more days, leaving the court with no alternative but to postpone their judgement. Burke was still hoping for further adjournments in January 1795. He was intent on producing a 'syllabus' of all the prosecution's evidence, which would give the Lords a proper view of the case and would ensure that 'with posterity the House of Commons, at any rate, should stand clear in having employed so very many years in pursuit of justice against the proud delinquents of the East'.⁵ While Burke constantly wrote of his longing to be free of Hastings, he was determined not to relinquish his burden until the case against him had been put in the clearest and most explicit way; to accomplish this he was willing to prolong the trial from year to year.

A considerable share of the blame for the excessive length of the trial also rests with the court. Erskine showed in the trial of Henry Dundas, then Lord Melville, in 1806 (the last impeachment ever to be held) that vigorous direction

¹ Hastings's Diary, 6 June 1793, Add. MSS. 39882, f. 125.

² Hastings wrote that many of his 'engaged friends' voted with the government (Diary, 7 June, *ibid.*, f. 125). He heard that 'T[reasury] notes of a most pressing kind' were sent for the debate in the Lords (Diary, 9 June, *ibid.*, ff. 125-6).

³ Hastings's Diary, 3 June 1794, *ibid.*, f. 168.

⁴ *L.J.* xl. 231.

⁵ To Addington, 8 Jan. 1795, A. Pellew, *Life and Correspondence of Henry Addington, First Viscount Sidmouth* (1847), i. 136.

from the woolsack could have speeded proceedings.¹ In Melville's trial the court sat from day to day; in Hastings's trial the court did not sit on three consecutive days until 1794. The sittings were also very short; Hastings calculated that over seven days in 1793 the court only sat for an average of two hours fifty-seven minutes.² Although the court announced that it would assemble on the first Tuesday of each session, it always adjourned for about a month, 'till the days are longer and the weather warmer', and then adjourned during the Easter recess and the absence of the judges on the circuit.³

Hastings was convinced at a fairly early stage that he was certain to be acquitted, and before that he believed, or affected to believe, that condemnation was better than perpetual trial, so he at least seems to be free of any responsibility for prolonging the trial. His counsel do not always seem to have been as aware of his impatience as he would have liked. While he frequently assured them of his complete confidence in their abilities, he just as frequently harried them with suggestions that they should limit his defence, which they regarded as extremely dangerous as well as highly unprofessional, or that he should send various petitions to the Lords, which they considered most unlikely to succeed and certain to give offence.⁴

Hastings made his first petition for the trial 'to be continued to its close . . . without interruption' at the beginning of the 1789 session.⁵ In July he told the court that if the Managers would finish that year, 'I would rather pray your Lordships to proceed to judgment, even upon the evidence which they have adduced on the part of the prosecution only—than wait longer . . .'.⁶ In 1790, when he heard that efforts were being made to persuade Burke to drop the contracts charge and to close the prosecution's case, he

¹ J. Campbell, *Lives of the Lord Chancellors* . . . iv, (1847), 577.

² Add. MSS. 29219, f. 209.

³ In Sacheverell's trial some of the judges had been given leave of absence so that the court could sit during the circuit. This expedient was not tried until 1792, when the court still adjourned during the circuit.

⁴ See frequent references in Hastings's Diaries (Add. MSS. 39881-2), and the mass of drafts for petitions (Add. MSS. 29223, ff. 1-91).

⁵ *L.ſs.* xxxviii. 349-50.

⁶ *Bond*, ii., p. xxix.

seriously contemplated offering no defence at all. He wrote in his diary that this course had been suggested to him by a peer whom he did not name, but, after long discussions with his counsel, he was persuaded that even if the Lords felt he deserved 'an acquittal without a witness', they would not provoke a constitutional crisis with the House of Commons by giving him one.¹ When the prosecution at last completed their case on 30 May 1791, against the advice of his counsel Hastings asked the court to remain in session while he made a very brief defence, and then to give judgement.² But resolutions moved in both Houses to prolong the session so that this could be done were rejected,³ and he was only left with time to make a general address. Counsel began the main part of his defence in 1792 and took up forty-five days in speeches and evidence, a rate of progress hardly consistent with Hastings's complaints of the hardships he was suffering from the trial's delays. The defence ended on 28 May 1793 when Hastings persuaded his counsel to leave the contracts charge virtually unanswered.⁴ He again made unsuccessful efforts in 1792 to extend the session; in 1793 he attempted to force the Managers to begin their reply in the same year; and in 1794 he tried to persuade the court to outsit Burke.

To contemporaries, the most disturbing feature of Hastings's impeachment, apart from its length, was the atmosphere in which the case was tried. The Managers prosecuted Hastings with the utmost ferocity and vindictiveness, and both sides used the press for uninhibited comment on the evidence and the proceedings of the court. During the attack on Clive, Burke had said: 'We ought to recollect that our anger is not a proof of any man's guilt—nor is our passion remedy for any abuse.'⁵ Yet fifteen years later he and his colleagues bullied witnesses, heaped abuse on the accused, and constantly made allegations which bore no relation to

¹ Hastings's Diary, 8-13 Apr. 1790, Add. MSS. 39882, ff. 18-20.

² *Bond*, ii. pp. xlii-xliii; and draft of petition with counsel's comments, Add. MSS. 29223, f. 84.

³ *C.J.s.* xlvi. 654; *L.J.s.* xxxix. 227.

⁴ Hastings's Diary, 20 May 1793, Add. MSS. 39882, f. 122.

⁵ Draft in Bk. 9a, Burke MSS. (Sheffield).

the charges. Hastings's pamphleteers were able to make a startling anthology of Burke's choicest epithets, and his treatment of witnesses finally provoked a fracas with the Archbishop of York, who told him that Marat or Robespierre could not have carried out a cross-examination in a 'more scandalous manner' than he had done.¹ During the 1780's extravagant outbursts were by no means confined to Burke's speeches at the impeachment, and in prosecuting Hastings he sincerely believed that he was confronted by a man whose enormity justified everything that he could say about him. But there was also an element of calculation in Burke's tirades and in the similar licence claimed without the same excuse by some of the other Managers. Burke believed that the hostility of the Lord Chancellor and the judges could only be overcome by creating the highly emotional atmosphere which had served the prosecution so well in the House of Commons. Moreover, reports of the Managers' speeches in the newspapers did something to counter the flood of pamphlets and paragraphs, costing £6,408 by the end of the trial,² which appeared on Hastings's behalf and easily outnumbered those supporting the Managers. Every effort was made to ensure that these speeches contained material which would attract the attention and arouse the indignation of 'the public', whom Burke called 'the ultimate judges under God of all our actions'.³ The report submitted by a junior Company servant on atrocities said to have been committed in the collection of the revenue of Rangpur is the worst example of the use of such material. Neither the lack of relevance of the report to any of the charges against Hastings nor the strong grounds, of which Burke was almost certainly aware, for believing that the report had serious defects, deterred him from giving great prominence in his opening speech to lurid passages from it. 'Oh what an affair', he told Francis, 'I am clear that I must dilate upon that; for it has stuff in it, that will if any thing,

¹ Richard Burke, sr., told his nephew that the Archbishop's 'manner exceeded the matter. Such passions agitation, and bodily convulsion, not producing death were wonderfull' (29 May 1793, Burke MSS. (Sheffield)).

² This figure is taken from an account of Major Scott's expenses, Add. MSS. 29231, f. 70.

³ Minutes, 20 May 1789, Add. MSS. 24230, f. 147.

work upon the popular sense.'¹ It was clearly to prevent this practice that all reporting of Melville's impeachment was forbidden until after the trial had finished.

On 2 March 1795 the House of Lords formed themselves into a Committee of the Whole House to consider their judgement. The articles were divided into twenty-four resolutions, which were discussed separately by the Committee, and at the end of each debate a vote that 'the Commons have not made good their charge' was passed on all the resolutions. The Committee reported on 1 April,² and 23 April was fixed for the formal pronouncement of judgement.

The composition of the House had altered considerably over eight years, and the great length of the trial had further reduced the number of peers who had maintained sufficient continuity of attendance to give an informed verdict. Approximately 230 peers had appeared at the trial on at least one occasion, but only forty had been present at more than half the sittings. The most assiduous had been the Marquess Townshend, who had been present on 139 days, followed by nine other peers whose robustness of constitution and sensibility had enabled them to attend on more than 120 days.³

Twenty-nine peers declared themselves willing to take part in the verdict. Sixteen questions were put to them: in answer to two—the Nandakumar accusations and the shipment of opium to Canton⁴—Hastings was found 'not guilty' by the whole twenty-nine, and he was acquitted on the rest by large majorities; the highest number of votes against him on any article was six—on Benares and the Begams of Oudh. The votes of individual peers were easily predictable. Apart from the eccentric Radnor, all those who found him guilty on a majority of the counts—Fitzwilliam, Carnarvon, Loughborough, Suffolk, and Norfolk—had been associated with

¹ 3 Jan. 1788. *Burke Corr.* v. 372. See also *ibid.* v. 385-6 for a discussion of Burke's use of the report.

² *L.J.s.* xl. 364-5.

³ These figures are taken from the lists compiled by Hastings's solicitor (Add. MSS. 29223, ff. 93-179). There is also a list of attenders for the later stages of the trial in the House of Lords MSS., 13 Feb. 1788, 2a.

⁴ See below, pp. 171-2.

the opposition at the start of the impeachment. The rest voted solidly in his favour, with the exceptions of Lord Mansfield (formerly Stormont), who objected to the Nob-kissen 'loan',¹ and Lord Walsingham, who objected to the opium contracts.²

Blackstone expressed the generally accepted view of the place of impeachments in the constitution when he wrote: '... it may happen that a subject, intrusted with the administration of public affairs, may infringe the rights of the people, and be guilty of such crimes, as the ordinary magistrate either dares not or cannot punish'.³ The need for impeachments to 'punish the misconduct of public men' was recognized in Section Three of Article One of the Constitution of the United States of America.⁴ In 1844 Erskine May thought that resort to an impeachment was no longer likely:

The limitation of the prerogative—the immediate responsibility of ministers of the crown to parliament—the vigilance and activity of that body in scrutinizing the actions of public men—the settled administration of the law, and the direct influence of parliament over courts of justice—which are, at the same time independent of the crown—have prevented the consummation of those crimes which impeachments were designed to punish.⁵

Many of these conditions had in fact been fulfilled long before 1788, and, with parliamentary reform following the great administrative reforms of the 1780's, impeachments, which survived in the United States under a totally different conception of the relations between the legislature and the executive, became obsolete. Their disappearance was undoubtedly hastened by certain features of Hastings's trial. In the first place, impeachment had been proved ineffectual and liable to serious abuses. Secondly, the victory of the common lawyers in the House of Lords over the prosecution's claims to special rules of procedure did much to make

¹ See below, pp. 149–52.

² See below, pp. 166–71.

³ *Commentaries on the Laws of England* (10th ed., 1787), iv. 260.

⁴ See *The Federalist*, no. 65.

⁵ *Law, Privileges, Proceedings, and Usage of Parliament* (1st ed., 1844), pp. 374–5.

sure that impeachments would not outlive their constitutional usefulness, to be employed, as they had so often been employed in the past, as political weapons. The prosecution of Justice Samuel Chase in 1805 and ultimately of President Andrew Johnson in 1868 showed that this was a real possibility. It is perhaps significant that whereas Melville was tried for an offence indictable at common law by methods which were unexceptionable, at the impeachment of Johnson the Managers for the House of Representatives were still using language of which Burke would have approved. 'We claim and respectfully insist', one of them told the Senate, 'that this tribunal has none of the attributes of a judicial court as they are commonly received and understood . . . You are a law unto yourselves bound only by the natural principles of equity and justice. . . .'¹

There seems to be only one reason for regretting the victory of legal orthodoxy in Hastings's trial. As their own experience in obtaining evidence showed, the Managers had not exaggerated the difficulties in securing convictions for offences committed in India, which had given the Company's servants virtual immunity in the past. A serious attempt to prosecute such offences perhaps deserved some latitude. But the Managers had made no real attempt to overcome the difficulties which faced them, and in their drafting of the articles had in fact added fresh difficulties. Making every allowance for them, it is impossible not to feel that they deserved to lose, and that the judges performed a considerable service in making a repetition of such a trial unlikely.

¹ Quoted by A. C. McLaughlin, *A Constitutional History of the United States* (1935), p. 671.

PART II

THE CHARGES

V

BENARES

THE history of Benares in the late eighteenth century followed a pattern frequently to be repeated in other areas which came into contact with the expanding power of the East India Company. It was drawn within the Company's orbit, at first retaining some autonomy, which it had lost by the end of the century. In some cases the growth of the Company's authority was comparatively peaceful, but in Benares it was marked by violence. In 1775 the Company assumed the sovereignty of the district, leaving its ruler Raja Chait Singh virtually independent under their sovereignty. This settlement lasted only six years. Chait Singh rebelled in 1781, his rebellion was crushed, and the process of absorbing Benares into the rest of the Company's provinces was greatly accelerated.

In the Benares charge Hastings was blamed for the revolt. He was accused of deliberately violating the Company's settlement with the Raja by forcing him to make an additional military contribution in 1778, and, after making other unauthorized demands on him, of provoking Chait Singh to rebellion by his attempt to arrest him in his own palace in 1781. Hastings replied that the revolt was premeditated treason. He argued that the 1778 demand was not incompatible with the terms of the Raja's settlement, and that in resisting it, and in many other ways, Chait Singh had shown that he had no intention of abiding by his agreement with the Company.

The lands of the Rajas of Benares, containing a population of nearly three million,¹ originated in four districts in the province of Allahabad, which in 1728 had been acquired by the Wazir of Oudh. In 1738 Balwant Singh, the son of a servant of the Wazir's *amil*, or collector for the districts, was himself appointed *amil* with the title of Raja. Balwant Singh succeeded both in expanding his territory and in obtaining virtual independence from the Wazir Shuja-ud-daula.² The Wazir conceded recognition of Balwant Singh's new gains in 1756, and in 1765, after skilful trimming during the Buxar campaign, he also obtained the Company's guarantee for them. By the treaty of Allahabad of August 1765, Shuja-ud-daula was obliged to promise that Balwant Singh would be left in undisturbed possession of his acquisitions, provided he paid 'the same revenue as heretofore'.³ Balwant Singh was succeeded in 1770 by an illegitimate son named Chait Singh, after a struggle with other claimants, in which it was said that the influence of his father's *diwan*, Ausan Singh, was decisive.⁴ His succession was recognized by the Wazir and by the Company, and he was given further security in 1773, when Hastings persuaded the Wazir to grant him a *kaulnama*, or contract, again fixing his revenue.⁵

With the death of Shuja-ud-daula in January 1775, the majority on the Supreme Council decided that the Company's military alliance with Oudh had lapsed, and that a new treaty should be negotiated with the new Wazir, by which he would be required to cede Benares to the Company. Hastings objected both to the ending of the Oudh alliance and to the acquisition of Benares; but his suggestion that Benares should become an independent buffer state, paying half its revenue to the Company and half to Oudh, was rejected.⁶ Having assumed the sovereignty of Benares, the Supreme Council began on 12 June 1775 to consider its

¹ Figures for a rough census of 1789-90, V. A. Narain, *Jonathan Duncan and Varanasi* (Calcutta, 1959), appendix.

² A. L. Srivastava, *Shuja-ud-Daulah*, i (Calcutta, 1939), 28-34.

³ *Evidence*, p. 13.

⁴ See enclosure in T. Graham to Hastings, 18 June 1779, Kinross House MSS.

⁵ 2137.

⁶ *Evidence*, pp. 38-39. See account of negotiations in C. C. Davies, 'The Benares Diary of Warren Hastings', *Camden Miscellany*, xviii (1948), 17 and 30.

⁶ *Evidence*, pp. 45-46.

future government. Hastings produced proposals which promised to give the Raja a very wide measure of autonomy: he was to pay the Company the same revenue as he had paid the Wazir; to have a 'complete and uncontrouled authority over his zemindarry under the sovereignty of the Honourable Company'; and to have the right of administering criminal justice and of striking coins. In return, he was to maintain 2,000 horse for the service of the Company. Hastings concluded by suggesting that

... while the Rajah shall continue faithful to these engagements, and punctual in his payments, and shall pay due obedience to the authority of this government, no more demands shall be made upon him by the Honourable Company, of any kind, nor on any pretence whatsoever shall any person be allowed to interfere with his authority, or to disturb the peace of his country.

'By proper encouragement and protection', he hoped that Chait Singh 'may prove a profitable dependant, a useful barrier, and even a powerful ally to the Company; but he will be neither, if the conditions of his connection with the Company are left open to future variations.'¹

Hastings's proposals were approved on 5 July, with the exception that the Raja was to be 'recommended' but not required to keep up the cavalry, and they were embodied in instructions for a newly appointed Resident to submit to Chait Singh. Agreement was finally reached in April 1776 between Chait Singh and the Resident, fixing the annual revenue at Rs.2,340,249. The formal instrument of the agreement was the Company's *sanad*, which was accepted by the Raja after he had rejected one containing the clause that all previous *sanads* were 'null and void'.²

The Managers claimed that after he had received the *sanad*, Chait Singh had absolute security against any increase in his rent on any pretext whatsoever, since the Company had given their guarantee to his agreements with the Wazir, which, by the terms of the *sanad*, were now binding on them, and had added to these guarantees the specific promise contained in Hastings's proposals of 12 June 1775,

¹ *Evidence*, pp. 53-55.

² The *sanad* produced in evidence contained this clause. A correct version is printed in C. C. Davies, *Warren Hastings and Oudh* (1939), pp. 257-60.

approved by the rest of the Council and sent to Chait Singh through the Resident. Therefore, they concluded, Hastings's demand for an additional contribution in 1778 was totally unwarranted and the Raja had every right to resist it.

Hastings replied by arguing that the only document which defined Chait Singh's tenure was the *sanad*, and that the Company were bound neither by the opinions expressed in the consultations of 12 June 1775 nor by the instructions to the Resident. He pointed out that the *sanad* did not include any promise to observe Chait Singh's 'uncontroled authority' or any exemption from demands beyond the stipulated revenue. The *sanad* was in most respects identical to the *sanads* given to all other *zamindars*, or landholders; Chait Singh must therefore 'be considered the same as any other zamindar of the British Government . . .'.¹ By Hastings's interpretation of *zamindari* tenure, a *zamindar* was 'liable to pay what revenue the sovereign thought proper to fix . . .'.² Hastings's argument is open to serious objections. In the first place, although Chait Singh had been given no written assurance beyond the *sanad*, the Resident had been instructed to tell him 'that we do not mean to increase his tribute . . .';³ an increase in rent, or 'tribute', would therefore be a breach of a verbal if not of a written pledge. Secondly, there is much evidence, including statements made by Hastings himself,⁴ that if *zamindar* was the term which the Company's servants found most useful to describe Chait Singh, they considered that his tenure was by no means the same as that of other *zamindars*. Finally, even if Chait Singh could be considered as an ordinary *zamindar*, Hastings's interpretation of the status of a *zamindar* was not universally accepted. The precise legal position of the *zamindars*, from whom the Company received the major part of its land revenue, and the extent of their rights to the lands they occupied, became the subject of prolonged controversy among the Company's servants. One school of thought, with which

¹ Hastings's address, 2 June 1791, *Bond*, ii. 491.

² Hastings's notes to Pitt, June 1786, quoted by Davies, *Warren Hastings and Oudh*, p. 119.

³ *Evidence*, p. 58.

⁴ e.g. *Gleig*, ii. 383; see also Graham's views, below p. 96.

Hastings more or less agreed,¹ considered that the *zamindars* were officials, collecting revenue on behalf of the government in whom ownership of the land was vested. The other school assumed that the *zamindar* owned his land, paying the government a stipulated portion of its produce, which should not be increased by arbitrary demands.²

While Hastings argued that the Company were bound by the *sanad* alone, his counsel were prepared to admit the force of the resolutions of 12 June 1775 and of the instructions to the Resident, and to concede that an increase in Chait Singh's rent would have been a violation of the Company's agreement with him;³ but they denied that the call for military assistance in 1778 was an attempt to increase his rent. They maintained that Chait Singh had been subject to the Company's sovereignty since 1775, and that nothing in his agreement, not even the resolution of 12 June that 'no more demands shall be made upon him . . . of any kind', absolved him from the duty of giving aid to his sovereign in an emergency.

This argument was more formidable. In spite of the obvious anomaly that the Company's relations with its own sovereign the Mughal Emperor were still undefined, its claim to sovereignty had been firmly maintained at every stage in the negotiations with Chait Singh. Even though the Council in discussing Chait Singh's obligations had decided not to insist on the upkeep of troops, the duty of military assistance was presumably implicit in any claim to sovereignty. Chait Singh and his father had been obliged to give military assistance to the Wazirs (although Hastings had told Shujaud-daula that such assistance should be paid for).⁴

It seems, therefore, in as far as it is possible to give any clear answer in a situation where rights and status were so fluid, that the Company's requisition of troops can be legally

¹ Hastings admitted that the *zamindars* had in course of time established in practice a hereditary claim to their lands, and that when they were deprived of the administration of these lands they were entitled to an allowance from the government ('Memoirs Relative to the State of India', G. W. Forrest, ed., *State Papers of the Governors-General of India: Warren Hastings* (1910), ii. 72).

² For an extreme statement of this view see C. W. B. Rouse's evidence to the Select Committee, *Reports*, v. 30 and 855.

³ Speech of T. Plumer, *Bond*, ii. 743 seq., and R. Dallas, *ibid.* iii. 37 seq.

⁴ Davies, 'The Benares Diary . . .', *Camden Miscellany*, xviii. 17.

justified. But the technical question of legality was of very much less importance in 1778 than the context in which the demand was made. Francis, who believed that the Company had no right in the matter, hoped that Chait Singh would agree to pay the contribution while reserving the principle. He might have been willing to do this if his experiences with Hastings between 1776 and 1778 had not ensured that he would interpret any call for aid as an attack upon his rights to be resisted to the utmost. To understand why Chait Singh proved so obstructive in 1778, and thus paved the way for his downfall three years later, it is necessary to know something of his relations with the Company in the previous two years.

There can be no doubt that Hastings was at first genuinely anxious to preserve the Raja's autonomy,¹ and he would have agreed with Francis's statement that the 'spirit' of the Company's settlement with Chait Singh was to acquire 'revenue without territory'—that is without intervention in the administration of Benares.² This was a relationship which the Company had tried to achieve in Bengal and were trying to achieve in Oudh; but it proved a most difficult one to maintain, and Benares was to be no exception. While it might be the official policy of the Company to preserve the authority of Indian rulers, the activities of individual Europeans worked to undermine it. Hastings foresaw the course of events in Benares with remarkable accuracy. In protesting against the majority's proposal to appoint a Resident to receive the revenue of Benares, he pointed out that a Resident would 'unavoidably acquire an influence over the Rajah and over his country which would in effect render him the master of both', and would deprive Chait Singh of his autonomy.³ His objections were overruled, and Francis Fowke, the son of Joseph Fowke—Hastings's enemy of the Nandakumar case—was sent to Benares, accompanied in a private capacity by his father.⁴ Francis Fowke made a large fortune at Benares in

¹ e.g. his letter to the Court, 31 July 1775, Bengal Letters Rec'd, xiv. 171-2.

² To C. W. B. Rouse, 22 June 1776, MS. Eur. E. 18, no. 26.

³ *Evidence*, p. 53.

⁴ Joseph Fowke (1716-1806) was at this time a free merchant; for his part in the Nandakumar episode see below, p. 136. His son (1754-1820) was to be Resident at Benares 1775-6, 1780-1, and 1783-6.

the 1780's, but his first tenure of the Residency caused little friction with the Raja. He and his father were warned by their patrons not to try to obtain 'influence of a political nature',¹ and their trading ventures were apparently on a small scale and unsuccessful.² In December 1776, when Hastings recovered control of the Council, he recalled Fowke, but, in spite of his previous misgivings, appointed another Resident in his place.

He chose Thomas Graham,³ who was very much more ambitious than Fowke. Graham wished to build up the political power of the Residency and to use this power to exploit the great commercial possibilities of his position. He told his brother of the obstacles in his path:

I hinted to his Honor the necessity of his good offices in order to promote a friendly understanding between me and the Rajah, who without some such powerful intercession, I am convinced from now three months' experience, will never treat me with that confidence and respect which I think is due to the station I fill. . . . Were I to follow my own dictates and treat the Rajah with that contempt his hitherto behaviour so richly merits, I would thereby run the risk of giving disgust to his Honor, who ever since the visit made here in 1773 has shown himself a steadfast friend to Cheyte Sing. . . .

You will perceive what a mere sinecure I enjoy, and which I am sorry to say I have as yet found to be its quality in every sense of the word owing to the plegmatick management of my predecessor, who made a passive obedience to orders the rule of his conduct, whereby those very advantages which I conceive ought to have resulted to the station of the Resident, have been absorbed by the Rajah's dependants, who from near 20 months' possession look upon them as benefits which they ought not to be deprived of, and how much address it requires to overset this idea, without some shadow of authority, I leave

¹ Francis to J. Fowke, 30 Jan. 1776, MS. Eur. E. 15, p. 195.

² J. Fowke to J. Walsh, 24 Mar. 1778, MS. Eur. D. 546.

³ Graham (1752-1819) was the younger brother of Hastings's close supporter John Graham (see below, p. 136). His private letter book (Kinross House MSS. 2137) throws much light on the Benares charge. He recognized that Hastings had appointed him as 'some return' to his brother, but believed that it was 'far from being a circumstance which he relished' (to D. Anderson, 25 Mar. 1777, Add. MSS. 45422, f. 159). Barwell's brother Daniel went as assistant to the Resident, with a third of the 'advantages' (Barwell to his sister, 12 Feb. 1777, *Bengal Past and Present*, xvi (1918), 83). His appointment was, in Graham's opinion, superfluous, since 'the publick duty to be performed is in fact nothing' (to Anderson, 28 May 1777, Add. MSS. 45422, f. 177).

it to your own knowledge of the disposition of the natives of this country to determine. Here they are ten times worse than in Bengal owing to their having been left in a manner their own masters and uncontroled for so great a length of time.¹

He expressed himself more succinctly about Chait Singh:

Oh if I had but even a shadow of authority, I would make him feel very sore for his indifference. But I hope the day will yet come when I shall have it in my power to bring him on his marrow bones.²

He began a campaign to establish his 'authority' by using Hastings's support to bring Chait Singh's servants under his influence. He 'paved the way' for Hastings to recommend the dismissal of Bhai Ram, the Raja's leading 'minister', whom Graham regarded as his most formidable opponent.³ For Bhai Ram he hoped to substitute Ausan Singh, Balwant Singh's *diwan*, to whom Chait Singh was reputed to owe his succession. Graham described Ausan Singh as 'a man qualified in every shape to hurt' Chait Singh's 'interests in so much as to have it in his power to call in question his right of inheritance'.⁴ Chait Singh had quarrelled with him, dismissed and exiled him, and was violently opposed to any attempt to reinstate him.⁵ In persuading Hastings to take up Ausan Singh's cause, Graham began a dispute which was to do as much to poison Chait Singh's relations with the Company as any other. On Graham's advice, Hastings suggested that Ausan Singh should be permitted to return to Benares.⁶ But Graham himself went very much further. While he was officially assuring Hastings that he would not try to force Chait Singh to restore him as *diwan*,⁷ his letters to others show that he only abandoned the attempt and accepted a *jagir*, or grant of land, as compensation for Ausan Singh,

¹ To J. Graham, 21 Mar. 1777, Kinross House MSS. 2131/3.

² To Anderson, 5 Apr. 1777, Add. MSS. 45422, f. 164.

³ To D. Barwell, 21 Sept. 1777, Kinross House MSS. 2137.

⁴ To Hastings, 6 Feb. 1777, *ibid.* He had heard rumours that Ausan Singh was in fact Chait Singh's father (to Hastings, 18 June 1779, *ibid.*).

⁵ For Ausan Singh see *Bukwantnamah* of Fakir Khair-ud-Din Khan, trans. F. Curwen (Allahabad, 1875) and S. H. Askari, 'Chait Singh and Hastings from Persian Sources', *Indian Historical Records Commission Proceedings*, xxx (1954), pt. 2, p. 18.

⁶ Chait Singh to Hastings, rec'd 2 Mar. 1778, *Cal. of Persian Corr.* v. 124.

⁷ To G.G. & C. 27 Aug. 1777, MS. Eur. G. 3, pp. 50-51.

after 'one of the hardest fought battles . . . that I suppose ever was fought for any black man in this country'.¹ At the same time, Graham's commercial dealings greatly increased, and, since they depended on the establishment of monopolies over such commodities as saltpetre and opium, they led him to encroach further on Chait Singh's authority.²

Graham's activities, and particularly his attempts to choose the Raja's servants for him, were a flagrant violation of the Company's pledge to observe Chait Singh's autonomy; and Hastings's apparent acquiescence in this violation must have seriously damaged Chait Singh's confidence in his intentions. But Chait Singh also contributed to the deterioration in their relations. Like other Indians who had dealings with the Company, he took a keen interest in the disputes in the Supreme Council. Apparently feeling that he could neither afford to ignore rumours that Hastings was about to be recalled, nor fail to cultivate his successors, he communicated regularly with the majority through the Fowkes, assuring Philip Francis that he had 'no other patron amongst the English gentlemen but yourself'.³ Unfortunately for him, Hastings was kept informed of this correspondence by Graham, and interpreted it as evidence of personal treachery.

By 1778 Graham was convinced that Hastings had lost his 'hitherto disposition to protect and support the Rajah in his immunities',⁴ and his denigration of Chait Singh became more outspoken. He recognized that the Company had given Chait Singh almost complete autonomy, but he considered that it should resume 'some part of that authority which we have so totally given up'. 'It is only by the exertion of some local authority that he will ever be taught to pay a proper respect to our government. . . . Should the Rajah continue in his present independant and uncontrouled state, and we are attacked by any foreign country, he will soon discover the true bent of his mind. . . .'⁵ He repeatedly warned Hastings

¹ To T. Motte, 14 Apr. 1778, Kinross House MSS. 2137; also Graham to A. Elliot, 16 Apr. 1778, *ibid.*

² See his correspondence with his partner David Anderson, Add. MSS. 45422 and 45423.

³ Rec'd 3 Nov. 1777, MS. Eur. F. 4, pp. 259-60.

⁴ To D. Barwell, 21 Sept. 1777, Kinross House MSS. 2137.

⁵ To A. Elliot, 6 July 1778, *ibid.*

that 'without some instance is given him of the authority you have over him, he will never relinquish the idea that no harm can befall him either from yourself or from the Council, whilst he is punctual in the payment of his tribute'.¹ One of the measures which Graham suggested for bringing Chait Singh under closer control was that he should be 'saddled' with the upkeep of troops.²

While there is no definite evidence that Hastings was influenced by Graham's advice, it certainly appeared to produce a response from him. On 9 July 1778, on the news that France was about to enter the American war, Hastings presented the Supreme Council with a comprehensive plan of defence against an attack by the French and the Marathas. As a part of this plan, Chait Singh was to raise and maintain 'three regular battalions of sepoys'. After Francis had made some unrecorded objections, it was agreed that 'the requisition simply considered by itself' was not in dispute, and that 'the decision of future right' should be referred to the Directors.³ The order was sent to Chait Singh on 11 July, and on 17 August his *vakil* agreed to pay a subsidy of five *lakhs*, or £50,000, in place of the troops.

There were obvious reasons why, with the Bengal army fully extended throughout India, fresh troops should be raised to defend the Company's provinces from any new threat. As Hastings wished to postpone for as long as possible the inevitable damage to his reputation involved in increasing the Bengal bonded debt by borrowing, he had to find fresh resources. Chait Singh's annual revenue to the Company had never been intended to approximate to his income, and so he was an obvious choice. But in selecting

¹ 7 Feb. 1778, *ibid.*

² To W. Palmer, 26 Mar. 1778, *ibid.*

³ *Evidence*, pp. 66-67. Hastings's counsel laid great stress on the lack of any recorded opposition to the proposal from Francis, which, they claimed, amounted to his 'unqualified acquiescence' in it (*Bond*, iii. 59). There can be no doubt from the wording of the consultation that Francis had raised objections, although on this occasion he seems to have lacked his usual tenacity in pressing them. He expressed his views on the demand in a private letter:

'I did not approve the measure, because I deemed it a breach of faith with the Raja, who holds his zemindarry on the specific condition of a fixed tribute. If this compact be once invaded under any pretence, the Raja has no security for anything he possesses. I do not deny, however, that necessity and distress supersede every other consideration' (to Colonel Upton, 27 July 1778, MS. Eur. E. 14, p. 290).

Benares it seems most unlikely that Hastings was influenced by financial considerations alone. Graham had been urging that something should be done to define Chait Singh's status more clearly, and it is difficult to believe that Hastings did not recognize that an opportunity for doing this had now arisen.

Even if Hastings had not intended the requisition of troops as a constitutional attack on the Raja's rights, after the struggle over Ausan Singh, Chait Singh not unnaturally received it as such. He saw it, Graham reported, 'as a step towards his destruction, and towards the annihilation of those immunities which he now enjoys. . . . He may not be far wrong in viewing the matter in this light', he added.¹ Chait Singh paid a small part of the five *lakhs* and then pleaded his poverty, an excuse which Hastings refused to accept, and by 10 October the remainder had been paid.

With the last payment Chait Singh received a promise of a reconciliation with Hastings, which was to be short-lived. Graham continued to report signs of his disaffection to the Company in the strengthening of his forts and the collection of troops, and of his personal disloyalty to Hastings through his contacts with Francis. The demand for five *lakhs* was repeated in 1779, when Chait Singh again pleaded his inability to pay, but was coerced by the movement of a detachment of the Company's troops into Benares. His confidence in the Company was further shaken by a thoroughly inauspicious visit in December from the Commander-in-Chief, Sir Eyre Coote. According to a member of Coote's party, Graham 'exposed him to the disgrace of declaring an enmity against the Raja without the ability of inflicting an injury'.² Coote was offered a *lakh* by Chait Singh, which he claimed to have refused, but he insisted that Chait Singh should pay him another *lakh* on behalf of Sir Hector Munro, who had commanded the Company's troops at Buxar, in settlement of some obligation of Balwant Singh's.³

In March 1780, as a part of his 'treaty' with Francis, Hastings obeyed the Directors' order to replace Graham as

¹ To Hastings, 22 July 1778, Kinross House MSS. 2137.

² H. Vansittart to D. Anderson, 5 May 1780, Add. MSS. 45434, f. 56.

³ Coote to Hastings, 2 Dec. 1779, Add. MSS. 29144, ff. 184-6; Graham to Coote, 7 Jan. 1780, Kinross House MSS. 2137.

Resident by Francis Fowke. In May Chait Singh decided to take advantage of the apparently improved atmosphere by making a determined effort to restore his position, and sent his *bakhsi*, Sadanand, to negotiate with Hastings. At their first meeting on 26 May Sadanand asked for an assurance that the subsidy requisitions would not be repeated, which Hastings 'rejected peremptorily'. Sadanand returned on 29 May with what seem from Hastings's cryptic and almost indecipherable notes to have been proposals to settle those points which had caused friction in the past. These included requests that Hastings was 'not to listen to tale-b[care]rs', that 'the Resid[en]t' was 'to be restricted to the rec[eip]t of the rev[enue]' or there was to be 'no Resid[en]t', and that Ausan Singh was to be 'left at my [Chait Singh's] mercy'.¹ Sadanand apparently obtained no satisfaction on these points, and, as a last resort, offered Hastings a present of two *lakhs*, without any conditions. Hastings accepted the present, later telling the Commons that it had been accompanied by the 'strongest assurances of his future obedience, and submission',² and offered it, calling it his own money, to the Supreme Council to meet the cost of an expedition against the Marathas.³ The most charitable explanation of this unfortunate episode is that Hastings was convinced, although it is hard to share his conviction, that neither he nor the Company had been to blame in the disputes with Chait Singh, and that therefore money could be accepted from him as an act of atonement.

The day after Hastings had accepted the money from Sadanand, the Supreme Council repeated their requisition of five *lakhs*, and Chait Singh again tried to evade payment. Since Hastings had told Sadanand that the demand would be repeated, it is very hard to understand why Chait Singh was willing to jeopardize the effect of his two *lakhs* by this evasion, unless, as Hastings believed, he was influenced by the very strong rumours that Francis was about to succeed. Although Chait Singh completed his payments for 1780 in approximately the same time as he had taken in 1778 and

¹ Notes dated 26 and 29 May 1780, Add. MSS. 29218, ff. 113-15.

² *Evidence*, p. 96.

³ See below p. 158.

1779, Hastings took a much more serious view of the delay. He alleged that as the troops for whom the money had been earmarked had been on the point of mutiny for lack of pay, Chait Singh was responsible for sabotaging the Company's war effort. This was one of the grounds on which he proposed to fine him in 1781. But, as Chait Singh himself replied, he was hardly responsible for the troops' lack of pay. The decision to send his money to a specific detachment was not taken until 7 September when four *lakhs* were still unpaid. One-and-a-half *lakhs* were paid within three weeks and the rest on 18 October. The subsequent delay was the fault of the Resident at Benares, who did not make any remittance until 14 November, when he sent bills at thirty-one days' sight, which the troops could not discount.¹

After Chait Singh's failure to pay the 1780 demand promptly, Hastings was even less inclined to compromise than he had been during the negotiations with Sadanand. He heard that Chait Singh, recognizing that Fowke did not enjoy the Governor-General's confidence, treated him 'with the utmost indignity',² and was determined to replace him by a Resident of his own choosing. In November 1780 a settlement was reached whereby Fowke gave up his appointment to William Markham, the twenty-one-year-old son of the Archbishop of York,³ for an 'equivalent'—the agency for boats, valued at £8,000, with a provision for his father.⁴ Markham was instructed to act with moderation and mildness,⁵ but before he took up his post a new demand had been made on Chait Singh. On 2 November Hastings adopted a suggestion of Coote's and proposed that the Raja of Benares be requested to supply the Company with 'such parts of the cavalry entertained in his employ as he can spare'.⁶

Chait Singh replied on 7 January that he could only spare 250,⁷ which Hastings refused to accept, and he told

¹ Bengal General Journal, R. 176, vol. 11, pp. 736-7; see also the Supplement to 2nd Report, Select Committee, *Reports*, v. 485-7.

² Major Scott to Hastings, 18 Oct. 1780, Add. MSS. 29146, f. 161.

³ See above, p. 27.

⁴ Scott to F. Fowke, 15 Dec. [1780], MS. Eur. E. 9, no. 22.

⁵ *Evidence* (Markham), p. 1690.

⁶ *Evidence*, p. 97.

⁷ *Ibid.*, p. 1534.

Markham to compel him to produce an adequate number. Markham first asked for 1,500 and then for 1,000.¹ Chait Singh countered with an offer of 500 horsemen and 500 *burkendasses*, or matchlock men, who were never produced. When Hastings later charged him with flagrant disobedience, he replied that he had never received an answer to his offer. This does not seem to be true; Markham denied it in his evidence, and he is supported by the translation of a Persian letter in the Hastings papers.

... you write to me that you can only send five hundred horse and five hundred peons. . . . When you will not from your friendship to me perform so small a business how can I expect you will do a great one? I now write differently to you. That you do prepare as many horse as the Resident at Benares shall desire and send them immediately to go where I have written him. If you do not do this, it will be bad for you and you must not expect my friendship.²

But if this letter reached Chait Singh, Markham said nothing in his evidence before the Lords, which would imply that he had ever delivered the final ultimatum about the number of cavalry to be raised or the place where they were to be sent.³

When Hastings confronted Chait Singh at Benares in August 1781 he told him that his delay over the last payment of five *lakhs* and his evasions over the cavalry amounted to a 'direct charge of disaffection and infidelity',⁴ for which he was to be arrested and would have been fined 50 *lakhs*, or £500,000. This letter of accusation gives a somewhat misleading impression of what appears to have been Hastings's view of Chait Singh at the time. It implies that the instances with which Hastings charged Chait Singh had produced a crisis which forced him to take action. It seems, however, that the crisis had been reached some two years previously, and that since 1779 Hastings had been contemplating radical changes at Benares, but had felt that the difficulties involved in any change outweighed its advantages to the Company. While it is hardly likely that he changed his mind as a result of fresh examples of disobedience from Chait

¹ *Evidence* (Markham), p. 1690.

² N.d., Add. MSS. 29194, f. 267.

³ 'I did not know myself to what place they were to be sent, which would have made me apply to Mr. Hastings for orders thereupon' (*Evidence*, p. 1691).

⁴ *Ibid.*, p. 115.

Singh, whom he must have regarded as incorrigible, it is far more probable that he believed in 1781 that the advantages of taking action by now outweighed the disadvantages. It is inescapable that one of the foremost advantages was his belief in Chait Singh's great wealth and his knowledge of the Company's desperate need.

The case for fining Chait Singh based solely on the delays over the cavalry and the payment of the five *lakhs* was obviously weak. Chait Singh was trying to be as obstructive as he could, but he had delayed no longer in 1780 than he had done in 1778 and 1779, he was not responsible for the consequences of his delay, and the defence failed to prove that he had received final instructions about mustering the cavalry.

In a 'Narrative of the Insurrection', sent to England to forestall criticism, Hastings wrote that he had judged Chait Singh not only on the instances with which he had charged him, but on his whole attitude to the Company's authority. But this argument is not a very strong one either. Hastings wrote that Chait Singh was pursuing a 'deliberate and systematic' policy to bring about the 'total subversion' of the Company, and had 'prepared every provision for open revolt, waiting only for a proper season to declare it, which was supposed to depend either on the arrival of a French armament, or on a Marattah invasion'.¹ Hastings's counsel produced evidence of the number of Chait Singh's troops, the quality of their equipment, the strength of his forts, and of his contacts with the Marathas. Even so, it seems unlikely that these preparations amounted to a plan for an attack on the Company, unless, of course, it were to suffer an overwhelming military defeat. It is still more unlikely that had Hastings really believed that Chait Singh was on the point of revolt in 1781, he would have offered himself as a hostage in Benares with an escort of six companies of sepoys. His Defence before the House of Commons in 1786 is in this respect rather more convincing than the Narrative. Hastings told the House that he considered Chait Singh's resistance had '*me* rather than the Company for its object', and that he had no 'formal design of openly resisting our authority, or

¹ *Evidence*, p. 112.

disclaiming our sovereignty'.¹ Passive resistance could not be permitted to go on indefinitely, and became more dangerous as the military threat to the Company increased; Company servants from all over Bengal reported a strange wave of unrest at the time of the Benares revolt. But, while both Chait Singh's recent disobedience and his attitude to the Company must have given Hastings real cause for concern, it is difficult to believe that he took either as seriously as he later claimed to have done, or that such draconian measures would have been taken against Chait Singh in 1781, if the Company's need for money had not been quite so urgent.

There had been frequent reports of Chait Singh's great wealth; Graham told Barwell that twenty million rupees were deposited in the fort of Bijaigarh alone.² Since the outbreak of the war the burdens on the Bengal government had grown more and more onerous. In 1781 its debt stood at £1,700,000,³ and it was forced to pay for the defence of Madras and Bombay as well as its own military operations. Hastings never tried to conceal the fact that he regarded the opportunity to punish Chait Singh as a windfall to the Company. He wrote in his Narrative: 'I was resolved to draw from his guilt the means of relief to the Company's distresses, and to exact a penalty, which I was convinced he was able to bear. . . . In a word, I had determined to make him pay largely for his pardon, or to exact a severe vengeance for his past delinquency.'⁴

In July 1781 Hastings set out for Benares; the main purpose of his journey was to secure a meeting with Divakar Pandit—the minister of the Maratha Raja of Berar, and to negotiate some change in the Company's 'unnatural connexion' with Oudh. 'Something too', he added, 'will be required' for Chait Singh.⁵ In 1779 he had told Coote that only the 'incapacity' and 'turpitude' of Asaf-ud-daula had prevented him from reuniting Benares with Oudh.⁶ In June

¹ *Ibid.*, p. 28. According to Scott (*ibid.*, p. 371), the Defence to the Benares charge was written by N. B. Halhed and not by Hastings.

² 2 Oct. 1779, Kinross House MSS. 2137.

³ G.G. & C. to Court, 1 July 1781, Bengal Letters Rec'd, xix. 532-3.

⁴ *Evidence*, pp. 112-13.

⁵ To Scott, 28 Apr. 1781, Add. MSS. 29128, f. 340.

⁶ 18 Dec. 1779, Add. MSS. 29115, f. 53.

1781 the Wazir had offered the Company a rent of thirty-five *lakhs* for Benares with a present of ten *lakhs*.¹ Hastings had also received an offer from Balwant Singh's third wife on behalf of her nineteen-year-old grandson Mahipnarain—Chait Singh's eventual successor—for an annual increase of ten *lakhs* with a present of twenty *lakhs*.² It seems that Hastings did not rule out either of these alternatives, but decided first to try to exact a large fine from Chait Singh, while leaving him as Raja tied more closely to the Company. In conversations with Edward Wheler before leaving Calcutta³ and with members of his party on the journey,⁴ he mentioned a fine of £500,000 as appropriate.

Chait Singh met him at Buxar with a suspiciously large escort, but made an abject submission; Hastings replied with a reprimand for his past misdeeds. Both reached Benares on 14 August. The prosecution and the defence naturally put very different interpretations on the events of the next few days: the prosecution argued that by his attempt to arrest Chait Singh Hastings had incited a loyal crowd to rebellion to rescue him; the defence replied that the revolt had been systematically planned. They were able to call European officers, whose evidence, in spite of its one-sidedness, makes it impossible to believe that the rising was spontaneous. Either Chait Singh or someone else, possibly his much more militant brother Sujan Singh, must have made preparations. But the preparations were clearly intended entirely for self-defence; had he wished to overpower the Governor-General and his six companies of sepoys, Chait Singh had every opportunity to do so both before and for five days after the attempted arrest.

On 15 August Hastings made his charge against Chait Singh in a letter delivered by Markham. He received an answer that evening in which the Raja denied that he had delayed unreasonably in making the last payment of five *lakhs* or that he had ever received final instructions about the cavalry. Hastings rejected the answer as unsatisfactory in content and offensive in tone, and decided to exact the fine.

¹ Rec'd 26 June 1781, Add. MSS. 29194, f. 222.

² Graham to Hastings, 25 July 1780, Kinross House MSS. 2137.

³ *Evidence*, p. 114.

⁴ *Evidence* (Markham), p. 1720.

As a preliminary, he ordered Chait Singh to be arrested. According to Markham, he was genuinely concerned that he might escape to his forts,¹ but it seems more probable that he believed Chait Singh's resistance to paying would be softened by intimidation. Markham was sent to make the arrest on the morning of the 16th. He found the Raja in the hall of the Shivala Ghat overlooking the Ganges and left him under the guard of two companies of sepoy. During the morning the city became increasingly turbulent. The sepoy had marched without their ammunition and a further company was sent to bring it to them. At the same time Hastings sent a message warning Chait Singh that he would be held responsible for any bloodshed. The message was delivered in an abusive way by an old servant of Graham's, and this set off an attack upon the sepoy by the Raja's armed retainers, who had been allowed into the Shivala Ghat. Even before the fighting broke out inside the building, the ammunition party had been pinned down by heavy fire from more of the Raja's troops.² When they fought their way in, they found that Chait Singh had fled and that the European officers were dead and the sepoy killed or wounded. Hastings remained in a practically defenceless position at Benares until 21 August, when, on getting news that he was about to be attacked, he withdrew to the great fortress of Chunar. Troops were rapidly assembled from Oudh and Bihar, and within a month Chait Singh's forces had been dispersed and he had become an exile.

Although there can be no doubt that Chait Singh had taken military precautions, as he was known to have done when Coote arrived in 1779,³ it seems that the final holocaust might have been avoided. Placing Chait Singh under arrest without telling him his fate probably had precisely the opposite effect to that which Hastings intended; instead of making him submissive it drove him to desperation. At least one European thought he would not have resorted to force even to resist a fine of 50 *lakhs*.⁴ But without any indication of Hastings's intentions, alarmed by the presence of Ausan

¹ *Evidence* (Markham), p. 1695.

² *Evidence* (Lieutenant Birrell), p. 1773.

³ Graham to Hastings, 6 Nov. 1779, Kinross House MSS. 2137.

⁴ *Evidence* (Colonel Gardiner), p. 352.

Singh with the Governor's party,¹ and presumably aware of the competitors within his own family, he can hardly be blamed for thinking that he was about to be deposed. Hastings's maladroitness seems to have forced Chait Singh to an extremity which he would have avoided if he possibly could.

The reports which Hastings had received of Chait Singh's wealth seem to have been grossly exaggerated, and such money as he did possess was lost to the Company, partly because of the large amount which he was able to take away with him, and partly because of an absurd fiasco—included in the impeachment charge—over the capture of his chief stronghold, the fort of Bijaigarh. Bijaigarh, with Chait Singh's mother and several of his family in it, held out against a detachment of the Company's troops under a Major Popham until 10 November. Hastings had told Popham on 3 November: '... it will be your part to secure the fort and the property it contains, for the benefit of yourself and detachment'.² This he and his soldiers did to good effect, taking possession of the treasure in the fort and any valuables which Chait Singh's family tried to remove with them.³ Four days after the surrender Hastings wrote indignantly to Popham, claiming the money for the Company and insisting that the officers of the detachment give it up until a legal decision was reached.⁴ Popham refused; he stated as a principle that 'the right of plunder was vested in the captors' and pointed out, not unreasonably, that Hastings had given his consent to a division of the spoils.⁵ The Company eventually recovered 23 *lakhs* from Popham's officers in the Supreme Court in India, but the decision was later reversed by the Privy Council.⁶

On the fall of Chait Singh, Hastings accepted the claim of Mahipnarain and appointed him as Raja, with the Company's rent increased from 22 to 40 *lakhs*. The period immediately after 1781 was a bleak one for most of Benares. In 1784 Hastings described the deterioration of the countryside in graphic terms,⁷ and Jonathan Duncan⁸ reported in 1788

¹ *Evidence* (Markham), p. 1735.

² *Evidence*, p. 283.

³ See the account by Cantu Babu (Add. MSS. 29205, ff. 113-21), who was at Bijaigarh to assure a safe conduct for the Rani, but no doubt had some predatory purpose of his own.

⁴ *Evidence*, pp. 284-5.

⁵ *Ibid.*, pp. 285-6.

⁶ P.R.O., P.C. 1/18/A/19.

⁷ *Evidence*, pp. 306-8.

⁸ Duncan (1756-1811), later Governor of Bombay, was one of the most dis-

that cultivation had been abandoned over a wide area. The Managers attributed this decline to the increase in rent, which, they argued, was beyond the capacity of the country to pay. Their case seems irrefutable. The assessment of 40 *lakhs* was calculated on a gross revenue of 53 *lakhs*.¹ There are no reliable estimates of Chait Singh's collections, but it is most unlikely that he raised anything approaching this figure. The average gross collections for the years after 1781 only just exceeded 40 *lakhs*.²

Administrative failures, for which Hastings cannot altogether avoid responsibility, made the problem more acute. The opinions of Company servants appear to be the only evidence at present available about Chait Singh's government. They were not likely to be impartial critics, but their almost universal condemnation of it cannot be dismissed easily.³ In particular, they stressed Chait Singh's inability to maintain law and order, even in the city of Benares. But between 1781 and 1787, when the Company acquired effective responsibility through Duncan, the standards of Chait Singh's successors clearly fell even lower. After 1781, the Company's direct intervention in the government of Benares was officially limited to the organization of the police of the city, where Hastings's nominee Ali Ibrahim Kahn began a notable career, and to the regulation of the customs. The revenue was left to the Raja's *naibs*, who suffered from responsibility without power. Mahipnarain's father, Drigbijai Singh, the first *naib*, lasted until 1782, when Markham was ordered to dismiss and arrest him for deficiencies in the Company's payments, which, Hastings alleged but was unable to prove, were partially due to his embezzlements.⁴ This summary treatment, called the 'second revolution in Benares' by the Managers, shows how threadbare the fiction of the Raja's continuing autonomy had become. Drigbijai Singh's

tinguished servants of the Cornwallis era. His report on the condition of Benares was included in the *Evidence* (pp. 2488 seq.).

¹ *Evidence*, pp. 151-75.

² W. Oldham, *Historical and Statistical Memoir of the Ghazee-pore District* (Allahabad, 1870), pt. 2, p. 6.

³ See also B. S. Cohn, 'The Initial British Impact on India. A Case Study of the Benares Region', *Journal of Asian Studies*, xix (1959-60), 418-31.

⁴ *Evidence*, p. 301.

successor was also unable to maintain his revenue and was also dismissed on Hastings's orders.

In his treatment of Chait Singh, Hastings seems to be vulnerable on two main counts. First, however genuine his desire to abide by the Company's settlement with the Raja may have been, he allowed himself to be drawn into a quarrel which wrecked it. Graham, whose conduct appears to have been wholly despicable, undoubtedly bears the major responsibility for this, but Hastings's willingness to countenance Graham's attempts to dominate Chait Singh's servants was directly contrary to his avowed policy of non-intervention. After these attempts, Chait Singh can hardly be blamed for seeing the demand for military help as another breach of this policy, whether it was legally justified or not. Secondly, Hastings brought the quarrel, in which he had been a party, to an end by a decision which was, as he admitted in his more candid moments, strongly influenced by the Company's needs.

I will suppose for a moment that I have erred, that I have acted with an unwarranted rigour towards Chait Singh, and even with injustice. Let my motive be consulted. I left Calcutta impressed with the belief, that extraordinary means were necessary, and those exerted with a strong hand, to preserve the Company's interests from sinking under the accumulated weight which oppressed them. I saw a political necessity for curbing the over-grown power of a great member of their dominion, and making it contribute to the relief of their pressing exigencies.¹

While it is debatable whether Hastings ever really convinced himself of the 'political necessity' for bringing Chait Singh's 'over-grown power' to an end, there can be no doubt of his determination to make him contribute to the Company's 'pressing exigencies'.

It is not difficult to feel sympathy for Chait Singh. The alternatives before him were those which faced other Indian rulers confronted with the expanding power of the Company: either to see his independence slowly eroded, or to try to resist the tide and to be swept away. The course he followed gave him the worst of both alternatives; lacking the strength for effective resistance, he still did enough to bring down vengeance upon himself.

¹ *Evidence*, p. 114.

VI

THE BEGAMS OF OUDH

DURING the debates in the House of Commons and the early sessions of the impeachment, the Begams charge undoubtedly did Hastings's reputation more damage than any of the others. This was due less to the strength of the prosecution's case against him than to the apparent flaws in his own. It seems improbable that even conscientious followers of the trial ever completely mastered the complexities of the charge, but they must have been forcibly struck by the complete collapse of Hastings's first Defence and the issuing of a 'Real State of Facts' in its place,¹ by the existence of deliberately falsified public correspondence, and by the famous lapses of memory of Nathaniel Middleton—the most important witness. Sheridan, in two speeches regarded by contemporaries as among the finest oratorical achievements of their age, played havoc with Hastings's embarrassments, but his own version of events was so over-simplified that it cannot have carried much conviction after the effect of the oratory had worn off.

The prosecution's case was that the East India Company had given their guarantee to the lands held as *jagirs* by the mother and grandmother of the Nawab Wazir of Oudh, and to the treasure belonging to his mother; and that in 1781, on a contrived pretext, Hastings had violated this guarantee by compelling the Wazir to resume the Begams' lands, to seize most of the treasure and to pay the proceeds to the Company. Hastings admitted the existence of a guarantee of the Wazir's mother but not of his grandmother, and also admitted that he had used some influence, though less than compulsion, in bringing about the confiscations. But he asserted that the Begams had forfeited all guarantees by acts of hostility to the Wazir and to the Company. In his Defence at the bar of the House of Commons, he said that he had consented to the resumption

¹ See above, p. 43.

of the *jagirs* for a cash equivalent of their value, because the Begams had given aid to Chait Singh's rebellion in September 1781 and had incited revolts in other parts of Oudh at the same time; he added that he had consented to the confiscation of a portion of the treasures as a punishment for resistance offered to the resumption of the *jagirs*. When witnesses examined by the House made it clear that the decision to seize the treasures had been taken before any attempt had been made to resume the *jagirs*, Hastings was obliged to correct his Defence by a 'Real State of Facts' circulated in 1787, in which he described the confiscation of both the *jagirs* and the treasure as punishments for the Begams' part in the revolts.

To appreciate how Hastings could be held responsible for the way in which an independent ruler treated his relatives, it is necessary to understand something of the Company's connexion with Oudh.¹ Since the acquisition of the *diwani*, the Bengal government had been trying to maintain Oudh as a shield between their provinces and the turbulence of northern India. In 1765 Clive had signed a defensive alliance with the Wazir Shuja-ud-daula, and in 1773, by the treaty of Benares, Hastings arranged that a brigade of the Company's troops should be kept permanently in Oudh for its defence, in return for a fixed subsidy. The number of troops was increased in 1775, when British officers took over the command of a part of the Wazir's army, which was incorporated as the 'temporary' brigade into the Company's forces. As the amount of money required for the payment of the Company's troops rose with their numbers, intervention in the internal affairs of Oudh became more marked. The growth of intervention was accelerated with the accession in 1775 of the ineffectual Asaf-ud-daula, who was constantly in debt and virtually incapable of instilling any order into the ramshackle administrative system in Oudh.² To safeguard their subsidy, the Company accepted assignments on the

¹ I am indebted for much of the following to C. C. Davies, *Warren Hastings and Oudh*.

² Asaf-ud-daula was Wazir 1775-97. His homosexuality, extravagance, and incompetence were notorious, but Hastings had a real personal regard for him, telling Cornwallis of his 'quick comprehension', his 'uncommonly steady attention', and his 'tendency to fun' (P.R.O. 30/11/197, f. 15).

revenues of the Wazir, and later established their own control over the collection of these revenues.

Increasing intervention was marked by the rise of the authority of the Resident at the Wazir's court. In 1773 Hastings appointed Nathaniel Middleton¹ to represent him with Shuja-ud-daula. According to the balance of power on the Supreme Council, Middleton was to alternate in office for the next ten years with the majority's nominee, John Bristow.² Middleton was the Resident in 1781, with Richard Johnson³ as his deputy and intended successor, when action was taken against the Begams. It is difficult to see either what talents he possessed which fitted him for a post of such importance, or why he kept Hastings's confidence for so long. He made a large fortune which helped to found a London banking house. Striking proof of the extent of the Resident's power was given in 1777 when Middleton was able to secure the appointment of ministers of his own choice: Hasan Riza Khan, the nominal head of the Wazir's government, and Haidar Beg Khan, who was to be the real power in it until his death in 1792. The degree to which a Resident could impose his will on the Wazir himself is brought out by the criticisms made of one who failed to do so.

He will not understand that his powers are beyond the letter of his nomination, which in the term of Resident implies none, and he looks to the Vizier as a person to whose views and wishes he is to be subservient instead of counteracting; attempting weakly to sway his inclinations against his own interests instead of binding him to the purposes of his situation.⁴

Although the Wazir of Oudh was still nominally an independent ally of the Company, in reality he was well on the way to following the Nawabs of the Carnatic and Bengal into subserviency.

¹ Middleton (d. 1807) owed his appointment to the influence of his brother Samuel; he was Resident 1773-4 and 1776-82.

² Bristow (d. 1804) was Resident 1774-6, 1780-1, and 1782-3.

³ Johnson (d. 1807) was Deputy at Lucknow 1780-2 and Resident at Hyderabad 1784.

⁴ Referring to Charles Purling—Resident 1779-80 (Johnson to Wheler, 10 Jan. 17[80], R. MS. Eng. 197, no. 10).

The Begams, Bahu Begam,¹ the widow of Shuja-ud-daula, and Sadr-un-nisa,² the widow of Shuja-ud-daula's father, Safdar Jang, appear to have been formidable persons with a taste for politics which they had acquired the means to indulge. They possessed large estates held as *jagirs*: in 1780 the revenue from Bahu Begam's *jagirs* was assessed at nearly £60,000 and Sadr-un-nisa's at nearly £20,000.³ In essence, a *jagir* was a grant of the revenue of a certain area, either for the upkeep of a number of troops for a specific period, or indefinitely for the maintenance of an important figure in the government or at court. While the Mughal system was at its height, *jagirs* appear to have been strictly controlled: they were not hereditary, could be resumed at pleasure, and did not permit the holder to substitute his own authority in his lands for that of the government.⁴ But with the decay of central authority in the eighteenth century, these controls tended to be relaxed. In spite of Shuja-ud-daula's efforts to reduce their number,⁵ considerable areas in Oudh were dominated by *jagirdars* with their own troops and their own administrative systems. Bahu Begam's *jagir*, managed from Fyzabad by her eunuchs Bihar Ali Khan and Jowar Ali Khan, was one of the most powerful of these organizations.

In addition to her landed wealth, Bahu Begam had acquired a large hoard of jewellery and specie, rumoured, no doubt with customary exaggeration, to be worth at least £2,000,000.⁶ Her right to this hoard was a major point at issue in the impeachment. The Managers claimed that it was her personal property, while Hastings maintained that it was a part of her husband's treasury and that it should have been inherited by her son. All the evidence suggests that Hastings's view was the correct one. Several accounts exist of

¹ The daughter of Ishaq Khan Mutman-ud-daula; married 1745; died 1816, aged 88.

² The daughter of the Nawab Saadat Khan; married his nephew and successor in 1724; died 1796.

³ *Evidence*, p. 482. Bahu Begam's *jagir* yielded another two *lakhs* after it had been resumed (Add. MSS. 29093, ff. 54-55).

⁴ See Shore's minute on *jagirs*, printed in appendix to *Evidence*, pp. 1527 seq.; also P. Saran, *The Provincial Government of the Mughals 1526-1658* (Allahabad, 1941), pp. 79-81.

⁵ A. L. Srivastava, *Shuja-ud-Daulah*, ii. 323.

⁶ *Evidence*, p. 1826.

Shuja-ud-daula's depositing money in his wife's keeping, which must have remained, as the Company's Resident wrote, 'the treasure of the state'.¹ And, even if she had been able to prove that it was the late Wazir's personal fortune, the Begam could only have claimed a small part of it. No will of Shuja-ud-daula's was ever produced, but by Muslim law, if a child survived, his widow was only entitled to one-eighth of his property, and his mother to a sixth.²

In short, Asaf-ud-daula would seem to have had every right to take the treasures or to restrict the Begams' *jagirs*, if he had not bound himself by specific agreements, to which the Company became parties, to do neither. Asaf-ud-daula began his reign in acute financial difficulties; he inherited a debt to the Company of approximately 40 *lakhs*, and heavy arrears in the pay of most of his troops, which provoked a dangerous mutiny. In desperation he applied to his mother for the treasure of which she was the custodian; but his application met with a hostile reception. Shortly after his accession, on the question of the replacement of her husband's minister by her son's favourite, Bahu Begam's cordial dislike of Asaf-ud-daula turned to passionate hatred. With the greatest reluctance she gave him 26 *lakhs* as a loan, in exchange for a large increase in the size of her *jagirs*. He was forced to apply to her again almost immediately and obtained the 26 *lakhs* as a grant, with a further payment of 30 *lakhs*. The price exacted in return was very high; he formally renounced all further claims to Shuja-ud-daula's treasure. Bristow, the Company's Resident, guaranteed the agreement between the Wazir and his mother, apparently considering that the Company should seize any chance of obtaining a settlement of their debt, even at the expense of Asaf-ud-daula's long-term interests. By the agreement, dated 15 October 1775, Asaf-ud-daula acknowledged the receipt of 56 *lakhs* and promised that 'Having received this through the English chiefs, I renounce all further demands on her.

¹ *Evidence*, p. 1895. See also: Shuja-ud-daula's remarks recorded by Hastings in his 'Benares Diary', ed., Davies, *Camden Miscellany*, xviii. 28-29, and Muhammad Faizh Bakhsh, *Tarikh Farahbakhsh*, trans. W. Hoey as *Memoirs of Delhi and Faizabad*, ii (Allahabad, 1889), 19.

² M. Ullah ibn S. Jung, *The Muslim Law of Inheritance* (Allahabad, 1934), p. 8.

I also engage that I will never molest my mother in the enjoyment of the jaghiers . . . conferred on her by the late blessed Nabob, but will leave her in full possession of them, during her life time.'¹ Bristow's action was approved by the Supreme Council, without any recorded objection by Hastings, who later wrote that he had seen no point in entering into 'an ineffectual opposition'.²

Hastings never tried to deny that the Company had guaranteed Bahu Begam's lands, but he insisted that it was not pledged to Sadr-un-nisa. This is only partially true. In January 1778 Sadr-un-nisa induced Middleton to visit her at Fyzabad and gave him a long list of complaints against Asaf-ud-daula to be transmitted to the Council. She threatened that if she got no satisfaction from the Company she would take ship to Mecca. Middleton reported to Hastings, 'I am shocked at what I have seen and heard of the Nabob's conduct. . . . I really think our national character is concerned.'³ He told the Council that if the Wazir would give his voluntary consent to Sadr-un-nisa's requests, he could become 'surety' for an agreement, and in that case 'the direct interposition of the Honourable Board will not be necessary'; if Asaf-ud-daula refused, he would ask for authority to bring about a settlement.⁴ A few days later he wrote that Asaf-ud-daula would not consent to any agreement, but the Council ordered him not to interfere further and heard nothing more from him on the subject. In 1780, however, when another Resident tried to raise part of the Company's assignments from Sadr-un-nisa's *jagir*, he was confronted by two documents which he sent to Calcutta. One was entitled 'An agreement under the seal and signature of Mr. Middleton, to all the particulars of which he engages to procure a treaty from the Nabob Assuph ul Dowlah . . .', and the other 'An engagement under the seal of the Nabob Assuph ul Dowlah, and under the seal and signature, in English, of Mr. Middleton . . .'. In the second document the Wazir promised that certain named *jagirs* 'shall be at the disposal, and under the management and authority of the Begum'.⁵

¹ *Evidence*, p. 442.

² *Ibid.*, p. 362.

³ 25 Jan. 1778, Add. MSS. 29140, f. 44.

⁴ *Evidence*, p. 500.

⁵ *Ibid.*, pp. 461-2.

After much twisting and turning in his evidence, Middleton admitted that the Wazir had consented to sign an agreement with Sadr-un-nisa, and so, presumably, he had not considered it necessary to refer it to the Council. If the Council had not been consulted, they were not of course under any obligation to recognize the Resident's guarantee, and the same must apply to Hastings too; there is nothing in his private correspondence to support the Managers' claim that he had given Middleton his personal authority to make any promise on behalf of Sadr-un-nisa. But if, as Middleton implied, there really was a convention that the Resident could, without the Council's sanction, guarantee agreements voluntarily entered into, it was hardly equitable to those who relied on such guarantees if they were not subsequently honoured.

In 1778 there were further disputes about the extent of Bahu Begam's *jagirs*, and Middleton signed another guarantee for her in October.¹ But when the Begam's *jagirs* were again threatened eighteen months later, the initiative came on this occasion from the Company and not from Asaf-ud-daula. In October 1779 the Residency passed for the first time out of the hands of either Middleton or Bristow and was given, apparently to gratify Sir Eyre Coote, to Charles Purling, a relative of a past chairman of the Company. Purling's ability to manage Asaf-ud-daula was immediately put to a severe test. The Wazir told him that the Company's assignments on his revenue for the next year would be limited to the maintenance of those troops which were stationed in Oudh under the treaty of 1773. Purling insisted that all the troops must be paid for and, on the advice of Haidar Beg Khan,² suggested that the Wazir should contribute to their cost by raising a tax of half the revenue of certain *jagirs*, including those of the Begams.³ Asaf-ud-daula had himself tried to reduce the Begams' *jagirs* in the past, but he clearly had no intention of permitting this to be done for the Company's benefit, and, with indignant protests about the sanctity of his relatives' property, he produced

¹ *Evidence*, pp. 516-17.

² Captain Edwards's evidence to the Managers, Add. MSS. 24266, ff. 71-72.

³ Purling to G.G. & C. 9 Feb. 1780, B.S.C., R.A., vol. 55, pp. 60-63.

Bristow's and Middleton's guarantees.¹ Purling could make no further impression on him and received the Supreme Council's permission to abandon the proposed tax.²

The reprieve for the Begams' *jagirs* was short-lived. After his escape from Chait Singh's revolt at Benares, Hastings met the Wazir, who had come to his assistance, and concluded with him on 19 September 1781 the agreement known as the treaty of Chunar. By a clause in the treaty the Company withdrew all guarantees from *jagirs* in Oudh, and the Wazir was permitted to make such resumptions as he wished, provided that he paid the *jagirdars* the nominal value of those estates which the Company had previously guaranteed.

By January 1782 not only had the Begams lost their *jagirs*, but Bahu Begam was in the process of losing a large part of her treasure as well. In a minute justifying the treaty of Chunar, Hastings wrote that the Begams had forfeited the Company's guarantee of their *jagirs* because they had supported Chait Singh and had incited revolts against the Wazir's government in the districts of Bahraich and Gorakhpur.³ The treaty said nothing about the treasure. On 11 February 1782 the Court of Directors were told that it had been confiscated as a punishment for the Begams' attempt to resist the resumption of their *jagirs*;⁴ and Hastings repeated the same story to the House of Commons in 1786. But by the time Sheridan opened the debate on the charge in February 1787, he was in possession of sufficient evidence to enable him to demonstrate beyond a possibility of doubt, that Hastings had sanctioned the seizure of the treasures before any attempt had been made to resume the Begams' *jagirs*. Driven from his first line of defence, Hastings had to fall back on another. Throughout the trial he and his counsel maintained that he had not known enough about the Begams' activities in September 1781, when he had signed the treaty of Chunar, to justify his consenting to any punishment beyond the withdrawal of the guarantees of their *jagirs*, but

¹ *Evidence* (Purling), p. 491; also two letters, Asaf-ud-daula to Gobind Ram, rec'd 16 Feb. 1780, *Cal. of Persian Corr.* v. 408-9.

² Abstract of Purling to Hastings, 19 Mar. 1780, Add. MSS. 29130, f. 51.

³ *Evidence*, pp. 141-2.

⁴ *Ibid.*, p. 638.

that he had learnt more in the ensuing weeks, and by December he saw it as his duty to consent to the seizure of the treasure as well. Thus Hastings committed himself not only to proving the Begams' guilt, but also to proving that his knowledge of their guilt had increased significantly between September and December 1781.

Most of the evidence against the Begams was contained in a series of affidavits sworn before the Chief Justice, Sir Elijah Impey. Impey had followed Hastings to Benares, and had advised him that affidavits should be taken to vindicate his treatment of Chait Singh, but obviously also with the intention of incriminating the Begams. On his own suggestion, Impey went to Oudh to collect the testimony of British and Indian officers in the Wazir's service. Sheridan argued that the revolts in Benares and in the Wazir's provinces had been spontaneous outbursts, Chait Singh being driven to desperation by Hastings's persecution and the peasants of Bahraich and Gorakhpur by the oppression of the Wazir's British revenue collectors. In some of his most caustic passages he dismissed the affidavits as malicious fabrications, and Impey's part in them as further proof of the turpitude which he had shown in the Nandakumar case. Impey's participation was certainly unfortunate. He insisted that he had only intended to give 'a sanction to those affidavits, let them contain what they would' and that he had been ignorant of their subject-matter, which was no concern of his.¹ If this was true, he must have known that it would not be believed, and that to such public opinion as existed in Calcutta he would appear to have compromised his office by gratuitously becoming a party in a highly controversial political measure. The content of the affidavits is, however, less objectionable. There were mistakes in them which careful editing would have eliminated, and which were exposed by Sheridan. But in a sense these mistakes add to their credibility as a genuine expression of widely held suspicions.

The most substantial allegation about the Begams' assistance to Chait Singh was that a force of *najibs*, or militia, estimated at a thousand strong, had been sent from the Begams' capital at Fyzabad and had taken part in an

¹ *Evidence* (Impey), p. 631.

engagement on 20 September 1781. Rumours of their departure from Oudh¹ were supported by the evidence of British officers who questioned wounded members of this force after the battle.²

The question of the Begams' complicity in the revolts in Bahraich and Gorakhpur was more complex. Bahraich and Gorakhpur were frontier districts between the river Gogra and the foothills of the Himalayas. Both provinces appear to have been virtually outside the Wazir's authority before systematic attempts were made to collect revenue from them by the use of troops, commanded, at great profit to themselves, by British officers, many of whom owed their appointments to Hastings's patronage. Most of the local *zamindars* tried to resist this threat to their independence but were forced into hiding, from which, seizing the opportunity provided by Chait Singh's rebellion, they emerged to raise open revolt in their old lands during August and September 1781. By a remarkably well-co-ordinated series of attacks, they prevented the troops engaged in collecting the revenue from giving any assistance to Hastings at Benares, and came quite close to destroying them altogether. On receiving news from Benares, the chief collector, Lieutenant-Colonel Hannay, ordered his local commanders to join him at a point south of the Gogra before marching to Hastings's relief. None of the detachments reached the meeting place, and all reported that their passage had been blocked by rebels and that their troops had been tampered with by the Begams' agents and were mutinous. The clearest instance of the Begams' intervention was described by a certain Captain Gordon, whose force was held up and eventually dispersed at the crossing of the Gogra at Tanda in Bahu Begam's *jagir* by the action of one of her officials³ (although Gordon omitted to add in his affidavit that when his troops eventually deserted him he was given protection in Fyzabad).⁴ Open signs of hostility to the English and sympathy for Chait Singh were reported from Fyzabad itself.⁵

¹ Hannay's affidavit, *Evidence*, p. 256.

² *Evidence* (Wade, Popham, and Birrell), pp. 1789-95, 1801, and 1774-5.

³ His affidavit, *Evidence*, pp. 263-4.

⁴ *Evidence*, pp. 696-8.

⁵ Macdonald's affidavit, *Evidence*, pp. 258-60, *Evidence* (Williams), p. 1930.

The Managers attributed the revolts entirely to the oppressions of the military collectors. There are certainly many accounts of violence used and atrocities committed during the collection of the revenue;¹ '... the cruelties acted in Goruckpore will for ever be quoted to the dishonour of the British name', wrote a young Company servant.² It is also true that guerilla warfare between the Wazir's administration and the exiled *zamindars* was endemic in Bahraich and Gorakhpur, and it would need very little for this to become general. The *zamindars* would not necessarily require encouragement from Fyzabad to seize the chance given them by Chait Singh's revolt. But it is inescapable that reports of the Begams' participation were repeated not merely in affidavits, which might have been concerted later, but in letters (including some in Burke's possession)³ written during the revolt. If the Begams really had nothing to do with the disturbances, few people in Oudh thought them innocent. On the other hand, it is not easy to see what they stood to gain from inciting rebels. They seem to have had no real grievance against the Company, but apparently regarded it as the protector of Asaf-ud-daula, whom, it was widely rumoured, they wished to see deposed for his brother Saadat Ali.

It seems certain that Hastings knew something of the reports implicating the Begams when he withdrew the Company's guarantees from their *jagirs* on 19 September 1781 by the treaty of Chunar. Although the affidavits were not taken before 26 November, some of them were based on letters written to Middleton by Hannay before the signing of the treaty. Hastings claimed that in spite of interrupted communications between Oudh and Benares, these letters 'were

¹ *Evidence* (Holt), pp. 382-4.

² H. T. Colebrooke to his father, 28 July 1788, T. E. Colebrooke, *The Life of H. T. Colebrooke* (1873), p. 30.

³ 'The enemy believed that Chite Sing had defeated our troops, that Sydat Ally was the Nabob encouraged by the old Begum at Fyzabad...' (Maj. Naylor to Col. Ironside, 20 Oct. 1781, Burke MSS. (Northants.), A. XXXIII, 21 G). 'We are informed... that Gordon's party consisting of three companies of sepoys have been defeated and dispersed by the Begum's aumil... and that large bodies are raising at Phyzabad' (F. Balfour to D. Anderson, 21 Sept. 1781, Add. MSS. 45434, f. 235). See also copies of letters in Middleton to Hastings, 17 Sept. [Oct.] 1781, *Evidence*, pp. 182-4.

all or almost all shewn to me and read by me' at Chunar.¹ If he really had read these letters, Hastings would have known of the troubles of Hannay's officers, including the Tanda incident, and would have heard rumours that troops had been sent from Fyzabad to help Chait Singh. There is definite evidence that he had received at least one letter warning Middleton about the Wazir as well as about the Begams, which was intercepted by Chait Singh's troops but forwarded to Hastings by a prisoner on 18 September.² Against this, Middleton, whose lapses of memory damaged his own side on this occasion, said that he could not remember having given Hastings any 'particular communication' about the Begams when he was at Chunar. He also suggested what seems to be a very cogent reason for believing that at this time Hastings did not attach very much importance to what he had learnt about them: no drastic action was to be taken against the Begams; under the treaty they were to lose their *jagirs* but were to be paid the 'amount of their net collections, through the Resident, in ready money'.³

The collapse of Hastings's first defence, in which he had claimed that the ending of the guarantees on the *jagirs* and on the treasures were punishments for different offences, meant that he had to prove not only that he had known something of the Begams' part in the revolts by 19 September, when by the treaty of Chunar the Wazir was permitted to resume the *jagirs*, but also that he had learnt sufficiently more to justify the confiscation of the treasures at the end of the year. It seems that he proved the first point, but proved it too well—to the detriment of the second. He obviously did acquire some more knowledge from the affidavits in the weeks after Chunar. The affidavits confirmed the earlier reports, but they did not add anything entirely new; nor, apart from the examination of the wounded *najibs*, does he seem to have acquired information from other sources.⁴

¹ To Scott, 1 Jan. 1782, Add. MSS. 29129, f. 4. See also Hastings's 'Abstracts of letters from Messrs Middleton and Johnson' (Add. MSS. 29130, f. 39), which mention a letter from Middleton, dated 12 Sept. about 'Troubles at Fyzabad. Treachery of the Begums'. This letter was not shown at the impeachment and no copy of it appears to have survived.

² *Evidence*, pp. 210–11.

³ *Evidence* (Middleton), p. 708.

⁴ e.g. Middleton admitted that he had failed to get any definite evidence about

Hastings called the affidavits 'unmeaning' and wrote that owing to the 'carelessness of some and the fears of others . . . many things which are more pointed and strong than anything which has been deposed' had been left out.¹ Even so, it is highly debatable whether his knowledge of the Begams' guilt had increased as much in three months as his desire to exploit it. When he signed the treaty of Chunar, he does not seem to have given much thought to Bahu Begam's treasure. By November, if not earlier, he was very conscious of it as a possible means of paying off the Wazir's debt to the Company. As with Chait Singh, the Company's needs seem to have weighed heavily in determining the punishment.

Two other circumstances support this conclusion. In the first place, if Hastings really believed that he had sufficient evidence of the Begams' complicity in the revolts of August and September 1781 to justify the confiscation of the treasures, it is strange that he should have bothered to fabricate the story, in the letter to the Court of Directors of 11 February 1782,² that he had only consented to the seizure of the treasures after the Begams had resisted the resumption of their *jagirs*. Secondly, there is the marked difference between his treatment of the Begams and of Saadat Ali, the Wazir's brother and rival. Most of the affidavits contain quite as much damaging information about him as about the Begams. At least one officer stationed in Oudh thought that this was no coincidence and that Impey had been asked to collect it.³ Hastings recognized that there were many 'reports and suspicions' against Saadat Ali, which he could neither 'credit nor refute', but he added that the 'evil imputed to him is at best doubtful' while the 'good'—the sheltering of wounded sepoys at Benares, possibly comparable to the Begams' sheltering of Gordon—'is certain, and he is entitled to the entire merit of it'.⁴

If the Begams had been less wealthy, they too might have been given the benefit of the doubt. It is almost certain they

the dispatch of troops from Fyzabad to Benares (to Hastings, 30 Nov. 1781, Add. MSS. 29151, ff. 437-8).

¹ To Scott, 1 Jan. 1782, Add. MSS. 29129, f. 4.

² *Evidence*, p. 638.

³ Naylor to Ironside, 3 Dec. 1781, Burke MSS. (Northants.), A. XXXIII, 2.

⁴ *Evidence*, p. 695.

had taken an active part against the Company. The evidence against them may have been exaggerated, but it can hardly have been wholly groundless. However, it seems most unlikely that Hastings would have used his knowledge of this evidence to do more than to allow the Wazir to consolidate his authority by depriving them of the administration but not of the revenue of their *jagirs*, if he had not seen Bahu Begam's treasure as the means of saving his policy in Oudh from complete collapse.

Some important changes were made in this policy by the treaty of Chunar.¹ The treaty was an attempt to lift the Company's financial relations with Oudh out of the rut of excessive demands and accumulating debt into which they had sunk. To achieve this, Hastings was willing to reduce the Wazir's burdens, but in return he insisted that he should submit to some control of his administration in order to ensure that he did not fall into arrears again. The troops in the Wazir's pay were to be limited to one brigade and one regiment, and the 'temporary' brigade and all other troops were to be disbanded or to leave Oudh.² With them was to go the exotic and rapidly expanding colony of private Europeans who had been making quick fortunes, usually at the expense of the Wazir's revenues. On the other hand, Asaf-ud-daula's personal spending was to be limited, his own army was to be reformed and reduced, and his treasury was to be placed under the supervision of ministers with the 'concurrence' of the Resident.³ To some extent, these provisions would have put existing practices on a formal footing, but they would also have involved a real increase in the Resident's powers.

If the regulations were to have any chance of success, the Wazir's debt, estimated at the time of the treaty at 44 *lakhs*⁴—money which was urgently needed by the Company—would have to be eliminated. The only fund available for this was the *jagirs*, which Asaf-ud-daula was to be permitted to

¹ Richard Johnson (see above p. 111) was later surprisingly anxious to claim the treaty as his own handiwork which he had 'prevailed' on Hastings to accept, in spite of his misgivings 'that it would shake him in his seat' ('Instructions for cross-examination' [c. 1790], R. MS. Eng. 185, no. 5).

² *Evidence*, p. 579.

³ Hastings's instructions to Middleton on the execution of the treaty, dated 23 Sept., *Evidence*, p. 581.

⁴ P.R.H. i. 67.

resume. If Hastings had thought when he signed the treaty that even a complete resumption of the *jagirs* would bring in 44 lakhs, he was quickly disillusioned. Over the next few weeks he became more and more aware that the treaty would be regarded as a disaster by his colleagues and by the Directors. Having failed to gain any relief for the Company out of Chait Singh, he had added the 'temporary' brigade and other troops in Oudh to its payroll, without providing any means for discharging its debts. His mounting anxiety about the reception of the financial provisions of the treaty explains why, when he saw a way out of his difficulties, he pursued it so ruthlessly.

Bahu Begam's treasures provided the solution to the problem of the debt. In his 'Real State of Facts' Hastings maintained that 'the proposition for the seizure of the treasures unquestionably came from the Nabob', and that his own responsibility was limited to 'strenuous encouragement and support'.¹ The prosecution claimed that the decision had been entirely Hastings's and that Asaf-ud-daula had had no choice in the matter at all. Deficiencies in the evidence make it difficult to say with any certainty which version was closest to the truth. After signing the treaty, Hastings remained for another three months at Benares, while Middleton returned to Lucknow to see that its terms were carried out. They corresponded frequently, both directly and through Sir Elijah Impey, who at one point was sent to Lucknow with further instructions from Hastings. Some of their letters were placed on the Company's records in 1783, when Hastings brought charges against Middleton, and some of Impey's letters were surrendered to the House of Commons. But there are still gaps which can only be partially filled by material in the Hastings and Impey manuscripts. Moreover, some of the surviving correspondence must be treated with the greatest caution, since it was undoubtedly written to support a false account of events which was to have been entered on the Company's records. On balance, although there is nothing to suggest that the Wazir was averse to taking the treasures, Hastings's responsibility seems to have been greater (and Asaf-ud-daula's less) than he was prepared to admit.

¹ *Evidence*, p. 366.

When and by whom the first suggestion for the confiscation was made is uncertain. It probably came from Lucknow, either from Middleton or from Haidar Beg Khan, who later claimed that he had 'proposed and promoted' it.¹ On 17 October Middleton, apparently prompted by Hastings,² sent circumstantial details of the Begams' part in the Bahraich and Gorakhpur revolts.³ Hastings had clearly been contemplating further action against them for some time, but his final decision does not seem to have been taken until the middle of November. On 15 November he told Middleton that his letter of 17 October had contained

facts of such moment to the publick service, and so necessary both to the means which may be required for our future preservation, and to the justification of what has passed, and to what may be done to the same end, that I think it proper that they should be verified in the most authentick and sacred manner.⁴

A few days later, Impey agreed to go to Lucknow and Allahabad, where he would collect affidavits from witnesses who had evidence against the Begams, and would give Middleton instructions about the treasures. At the impeachment, Impey gave what appears to be rather a disingenuous account of these instructions:

. . . Mr. Hastings having described the Begums as being in actual rebellion, I told Mr. Hastings that, if that was the fact, I thought their intervention was an offence to the government of the Nabob, and that he had a most undoubted right of seizing the treasure of those persons, who were employing them [*sic*] against the state. . . .

I related to Mr. Middleton the conversation I had with Mr. Hastings, and acquainted him that Mr. Hastings was inclined to that measure, and I believe desired he would consult the Nabob upon it, . . . but gave no directions from Mr. Hastings, that it was his will it should be so.⁵

In fact, Hastings's orders must have been much more clear-cut. At this stage consultation with the Wazir was superfluous; what happened afterwards shows that all that was

¹ Translation of letter to Hastings, n.d., Add. MSS. 29194, f. 270.

² See Johnson to Hastings, 28 Oct. 1781: 'your two first requisitions have been answered by Middleton's publick letter of the 17th inst.' (Add. MSS. 29151, f. 209).

³ *Evidence*, pp. 182-4, where it is misdated 17 Sept.

⁴ *Ibid.*, p. 800.

⁵ *Ibid.*, p. 624.

required from him was a formal proposal to be entered on the Company's records.

Impey was at Lucknow on 25 November and had returned to Hastings by 1 December, when he told Middleton: 'What we talked of concerning the Begums he highly approves, and would have himself advised; he wishes it to be done immediately'.¹ This was the final word for which Middleton was waiting. On 2 December he related for public consumption how Asaf-ud-daula had of his own free will suggested the seizure of the treasures. But, as soon as he heard from Impey, without bothering to wait for an answer to this 'flattering proposition',² he wrote again on 6 December: 'Your pleasure respecting the Begums I have learnt from Sir Elijah; and the measure heretofore proposed, will soon follow the resumption of the jagheers'.³

Just as Hastings had found a means of paying off the debt, and had thus provided a remedy to what, from his point of view, was the most serious defect in the treaty of Chunar, the whole settlement was threatened by Asaf-ud-daula's refusal to carry out his part in it. He could only be coerced into issuing orders for the resumption of the *jagirs*; nothing was done to reform his army or his finances; and, although Middleton reported at intervals that he was on the point of setting out for Fyzabad to take the treasures, it was becoming obvious that he had no intention of going. Whether his agreement to take back the *jagirs* or the treasures had been given freely in the first place or not, by December nothing, short of compulsion, would induce him to implement his agreement on this or any other part of the treaty of Chunar.

The explanation for this apparent change of front seems to be that he and Hastings had fundamentally different ideas about what he had agreed to do. Asaf-ud-daula was, it seems reasonable to assume, only interested in the clauses of the treaty whereby the Company's troops and its influence in Oudh were reduced. It was no doubt to obtain this that he had given Hastings a present of £100,000 at the signing of

¹ *Evidence*, p. 802.

² *Ibid.*, pp. 802-3.

³ *Ibid.*, p. 803.

the treaty.¹ According to the Residents, they had only been able to induce him to sign the other clauses, which would in the words of a member of Hastings's party have made him a 'pensioner',² by promising him that they were 'not meant to be fully and literally enforced'.³ In giving the Wazir these assurances, the Residents either deliberately deceived him or totally misunderstood Hastings's intentions. While Hastings claimed that he did not want to 'deprive the Nabob of his authority',⁴ he was determined to stand on the letter of the treaty. Hastings's intentions were made clear on the question of the *jagirs*. At Chunar Asaf-ud-daula had been left free to resume such *jagirs* 'as he may find necessary'; but on Hastings's orders Middleton carried this very much further. On 1 December he told the ministers to resume all the *jagirs*, beginning with the Begams', and to use their revenue to pay off the Company's debt. The challenge to the Wazir's authority was unmistakable. Middleton wrote:

I shall be very glad if His Excellency consents to make this measure an act of his own, as I conceive it would be more agreeable to you, and more consistent with those appearances which it may be thought more expedient to preserve with His Excellency; but if he declines it, as is by no means improbable, I shall think myself justified by your instructions in insisting on its being done even without his concurrence.⁵

On 6 December he put this threat into effect, writing the orders for the resumption himself, and so forcing the Wazir to issue his own three days later. Middleton's handling of the *jagirs* can have left Asaf-ud-daula in no doubt that Hastings's interpretation of the treaty was going to prevail, and that, far from diminishing, English interference in his government was going to increase. His reaction was to refuse all further co-operation in carrying out the treaty.

The orders for the resumption of the *jagirs* met with widespread resistance.⁶ 'Should this country be lost to me', Bahu Begam told Middleton, 'it shall be lost to all. I give

¹ See below, pp. 147-8.

² D. Anderson to W. Palmer, 2 Aug. 1782, Add. MSS. 45440, f. 37.

³ *Evidence*, p. 814. See also Johnson's notes in R. MS. Eng. 196a, f. 87.

⁴ To Impey, 16 Jan. 1782, Add. MSS. 16262, f. 181.

⁵ *Evidence*, p. 801.

⁶ Middleton to Impey, 28 May 1782, MS. Eur. G. 9, p. 33.

you this intimation—note it.’¹ She reinforced her threats by moving troops into her *jagirs*. This show of defiance, which was later to be the pretext for confiscating her treasure, was of course made at least two weeks after that decision had been taken.

As a result of the Begams’ threats and Asaf-ud-daula’s obstinacy, by the end of December the programme outlined in the treaty of Chunar was as far from completion as ever, when Hastings decided to intervene. He could hardly afford to put off his return to Calcutta any longer, and, unless he took some drastic action, he would return without money and with his policy in ruins. Middleton had told him that extra troops would be needed to crush resistance in the *jagirs*.² He replied by ordering four regiments to be used in suppressing the *jagirdars*, extracting the treasures from Fyzabad, and reforming the Wazir’s army—by force if necessary.³ These troops were to be the old ‘temporary’ brigade, so that, at the worst, Hastings would at least have cut his losses by ensuring that it would again be paid by the Wazir. His intervention threw Middleton and Johnson into a panic, but achieved his purpose. Both believed that the Wazir would interpret the return of the ‘temporary’ brigade as final proof that he had been betrayed, and feared that he might take up arms against the Company.⁴ Middleton countermanded the order to the four regiments, but he at last took the decisive step to break the Wazir’s will. Accompanied by the troops already available at Lucknow, he marched on Fyzabad, with Asaf-ud-daula in tow.

On 8 January Middleton reached Fyzabad, where he and his force were met by the Begams’ troops drawn up in battle order. But the palaces were surrendered without a shot being fired and Middleton decided to take 55 *lakhs*, or £550,000, out of the treasure. The process of extracting them was to be lengthy, and the methods squalid. Bahu Begam’s chief servants, the eunuchs Bihar Ali Khan and Jowar Ali Khan, were seized, put in irons, and, after ‘some few severities’,⁵ 43 *lakhs* were taken from ‘the most secret recesses’ of their houses.⁶ The rest of the money was acquired much more

¹ *Evidence*, p. 815.

⁴ *Ibid.*, pp. 810–14.

² *Ibid.*, p. 806.

⁵ *Ibid.*, pp. 823–4.

³ *Ibid.*, pp. 809–10.

⁶ *Ibid.*, p. 825.

slowly, by dint of putting the eunuchs back into irons and by removing them to Lucknow, where Johnson ordered the Company's guard to give the Wazir's servants access to 'inflict corporal punishment' on them.¹ They remained in captivity until December 1782, when, with a small balance still unpaid, they were released. Hastings was obviously not directly responsible for the acts of the Residents, but the threats which he had uttered before he departed for Calcutta in January had left them in no doubt that they would pay heavily for any delay or failure.

The Begams themselves were not seriously affected by the attack on Fyzabad; strict precautions were taken to prevent any intrusion into the *zenana*. There seems to be no means of knowing what proportion of their wealth 55 *lakhs* represented, but its loss certainly did not reduce them to penury. In 1813, three years before her death, Bahu Begam gave the Company a schedule of her property, stating it to be worth 70 *lakhs*.² The Begams' *jagirs* were resumed and kept by the Wazir until 1783. It is not clear how much of the stipulated equivalent was paid to them,³ but even if they got nothing at all, the reserves of Shuja-ud-daula's treasures must have tided them over these two years without any great hardship.

The Chunar settlement was a total failure and Bahu Begam's treasures sank almost without trace into the morass of the Wazir's debts. In September 1782 the Company were still owed a total estimated at 46 or 49 *lakhs* and their demand for the following year was slightly higher than it had been before the treaty.⁴ The windfall of 55 *lakhs* was almost completely absorbed by the failure of normal collections during 1781 and 1782, due to drought and unrest, and by the cost of the troops, which, in spite of the treaty of Chunar, remained in Oudh.

The Begams and the Benares charges both depended on the answer to the same question: did Hastings's estimate of

¹ *Evidence*, p. 878.

² A. F. M. Abdul Ali, 'Last Will and Testament of Bahu Begam', *Indian Historical Records Commission Proceedings*, vi (1924), 154.

³ *Evidence*, pp. 2071-3.

⁴ Accountant-General's statement, 27 Aug. 1783, and Bristow to G.G. & C. 2 Jan. 1783, *P.R.H.* i. 443 and 485-6.

guilt justify the punishment which he inflicted? In both cases the guilt had some real foundation: Chait Singh had obstructed the Company's government as far as he dared and the Begams had almost certainly supported him and the rebels in Bahraich and Gorakhpur. But in both cases Hastings had every incentive to magnify this guilt to the Company's advantage, and this is the weak point in his defence. It is not difficult to believe that the Begams' activities merited the loss of their *jagirs*, but the fact that Hastings had to invent another crime—resistance to the resumption of the *jagirs*, to justify another punishment—the loss of the treasure, suggests that had Bahu Begam's wealth not provided a means of paying off the Oudh debt, much less would have been heard of the Begams' part in the revolts.

If Hastings's treatment of the Begams was open to attack on the same sort of grounds as his treatment of Chait Singh, the scale of the two charges was hardly comparable. While Chait Singh was driven into exile, the Begams were temporarily deprived of their *jagirs* and Bahu Begam lost a part of her wealth to which her title was extremely dubious. In other respects too, Hastings's record seems to have been less discreditable and to have acquired a notoriety from the embarrassments of his defence which it did not deserve. Chait Singh could claim with some justice that the Company, through the interference of its Resident and its demand for military assistance, had broken its agreement with him. The Begams could make no such claim. They had been given guarantees which they had no reason to expect. These guarantees seem to have been conscientiously observed until the Begams had presented Hastings with at least a pretext for withdrawing them.

VII

PRESENTS

THE way in which regulations forbidding the acceptance of presents by the East India Company's officials were enforced in India illustrates the process of reform in the Company's service as a whole. Like most men in eighteenth-century public life, the Company's servants regarded their career as the means of acquiring sufficient wealth to enable them to retire with an 'independence'. They argued that since the hazards and discomforts of Indian service were so great, its rewards ought to be proportionately greater and more quickly acquired than those in other careers; a man ought not to have to spend a lifetime in the East. 'Could we', an indignant pamphleteer asked, 'reasonably expect gentlemen to quit their native country, their families, and friends, in pursuit of a mere temporary subsistence, and thereby subscribe to banishment like felons transported for life without hope of return?'¹

A Company servant's rewards were certainly not limited to the meagre salaries paid by his employers, but included other emoluments. Presents from Indians were one source of these emoluments, but for most servants they consisted of the profits of private trade. Conventions regulating the manner in which an individual could enrich himself appear to have been well established by the 1750's. As the Company began to acquire political control over large parts of Bengal, opportunities for amassing private fortunes greatly increased. Huge presents were taken when the Company intervened in disputes for the throne of the Nawabs, and monopolizing and price-fixing for the benefit of the private trade of individuals followed the appearance of the Company's military and revenue officers in the country districts.

The first attack on the abuse of these new sources of wealth came from the Company itself. In 1764 the Directors

¹ *An Appeal from the hasty to the deliberative judgment of the People of England* . . . (1787), p. 48.

had forbidden the acceptance of presents and had ordered their servants to sign covenants renouncing them, and at the same time they had taken the first steps to control abuse of private trade. But the effect of these measures in India was limited. The majority of the more responsible Company servants recognized that excesses had been committed since Plassey, but believed that this had happened because the conventions about private fortunes had broken down, not because of anything inherently wrong in the conventions themselves. This seems to have been the attitude of both Clive and Hastings. On presents, they distinguished between those given as a bribe for expected services, which they condemned, and those given as a mark of gratitude and friendship, which they thought a servant of sufficient seniority might accept. This distinction is not always easy for an outsider to grasp—it is hard to imagine that Indians dispensed large sums of money without expecting some return—but to contemporaries it was evidently a real one. 'Some presents I have certainly received,' wrote George Vansittart, 'but you will never hear of my bargaining for them or being influenced by them.'¹ He thought the same could be said of Hastings: 'I would not say that Mr. Hastings never has received presents but I think I can safely answer for his never having placed his private interest in competition with the publick advantage.'² Richard Barwell made the same distinction when he wrote: 'I do not pretend . . . to say I never received a present, but I am certain, I can defy any person to charge such to me as a crime.'³

The Company's servants continued to regard themselves as being bound by their own conventions rather than by their employers' instructions, until, after the disclosures made to the Select Committee of the House of Commons, the Directors' orders were reinforced by a clause in the Regulating Act of 1773 prohibiting the receipt of presents. Even then, the intentions of parliament depended for their execution on the arrival in India of men determined to enforce them.

¹ To R. Palk, 13 May 1775, Bodl. dep. b. 97, p. 88.

² To same, 27 Mar. 1775, *ibid.*, pp. 77–78.

³ To F. Stuart, 5 Aug. 1775, *Bengal Past and Present*, xiii (1916), 91.

I

The Managers divided the allegations in the presents article into two parts. In the first half of the article they accused Hastings of accepting and of attempting to conceal large sums of money offered to him for corrupt purposes by Indians. The 'presents' in the second half of the article consisted of sums whose receipt Hastings admitted but which he claimed had been taken for the Company and not for himself. The most spectacular, as well as the most circumstantial, allegation in the first half of the article was that Hastings had accepted Rs. 354,105, or rather more than £35,000, from those who had benefited from changes he had made at the court of the Nawab of Bengal in 1772. Hastings was also charged in the first half of the article with accepting money from the *zamindari* of Rajshahi and with selling the office of *faujdar* of Hugli.

The accusation that Hastings had accepted bribes of over £35,000 in 1772 was first made by Maharaja Nandakumar in a letter read at the Supreme Council on 11 March 1775. Nandakumar¹ was one of several Indians who competed avidly for office in the complex situation where nominal authority was still exercised by the Nawabs of Bengal but where real power was passing to the servants of the East India Company, and his accusations were closely related to the struggle for control of the court of the Nawab. In 1764 Nandakumar was appointed *diwan*, or minister responsible for the finances of Bengal, by Mir Jafar on his reinstatement as Nawab, and was entrusted, according to one European, with the 'whole affairs of government . . . without any controul'.² On the death of Mir Jafar, the Company accused Nandakumar of treasonable correspondence with its enemies, ordered him to come down to Calcutta in February 1765 and appointed Muhammad Riza Khan³ in his place. Nandakumar was to remain out of favour until 1772; but, like other Indians, he appreciated the value of fishing in the

¹ For his genealogy, see H. Beveridge, *The Trial of Maharaja Nanda Kumar*, p. 362.

² R. Leycester, 3rd Report, Select Committee, 1773, *Reports*, iii. 305.

³ Muhammad Riza Khan (d. 1791) was the son of Alivardi Khan's Persian physician; formerly *naib* of Dacca.

troubled waters of Company politics and began to work for his restoration through connexions in London. In general he identified himself with the tide which was beginning to run against Clive; there is reason to believe that he was associated with the German adventurer William Bolts in his attack on Clive's successor, Verelst.¹ Through another ally, Robert Gregory,² he supplied the Court of Directors with information incriminating the administration of Muhammad Riza Khan during the Bengal famine of 1770. Even if the Directors wished to ignore this material, they could not, as Sullivan pointed out, afford to do so;³ but since it strengthened their case for their new policy of 'standing forth as dewan', it cannot have been unwelcome. On 28 August 1771 the Secret Committee of the Court ordered Hastings to depose Muhammad Riza Khan and to prosecute him, using Nandakumar's help and giving him suitable 'encouragement and reward'.⁴

Hastings and Nandakumar were old enemies. Hastings claimed that he had been 'a principal instrument of detecting' Nandakumar's 'intrigues against our government',⁵ during Mir Kasim's revolt; and Francis Sykes reminded him: 'Pray who told Lord Clive of your receiving money from Cossem, but Petrus⁶ and Nundacomar . . . You would have appeared on that list to have received four lacks of rupees had I not interfered and proved the man had perjured himself.'⁷ In 1772, however, Hastings appreciated the importance of Nandakumar's help in breaking Muhammad Riza Khan's hold over the Nawab's government, and, within limits, was prepared to co-operate with him. Muhammad Riza Khan was arrested in April and the Nawab's

¹ Bolts and Nandakumar were accused of conspiracy against Nobkissen—Verelst's *banyan*—in 1767. Bolts, *Considerations on India Affairs* . . . (1775 ed.), iii. 145-7.

² Gregory (c. 1729-1810) had been a free merchant in Bengal; he was later chairman of the Company. I have been unable to discover how he became connected with Nandakumar.

³ To Hastings, 20 Dec. 1774, Add. MSS. 29135, f. 402.

⁴ Gleig, i. 221-4.

⁵ To J. Harris, 31 July 1772, Add. MSS. 29125, f. 124.

⁶ Khwaja Petrus. The reference is obscure; Petrus was normally a close ally of Hastings.

⁷ N.d., Add. MSS. 29194, ff. 119-21.

government was remodelled. Muhammad Riza Khan's offices of head of the Nawab's civil and military administration were abolished and the revenue administration was moved to Calcutta, where it was placed under the supervision of the Governor and Council. The household of the young Nawab Mubarak-ud-daula, stripped of all active administrative functions, was placed under the control of Munni Begam, one of Mir Jafar's widows, with Nandakumar's son Guru Das as *diwan* to the household.

In his letter of 11 March 1775 Nandakumar was to allege that the appointments of Guru Das and Munni Begam had been obtained by bribes. At the impeachment, the Managers argued that the choice of a woman to succeed to a position of such power and responsibility was so inappropriate that the promotion of Munni Begam could only be explained as part of a corrupt bargain. In fact, given Hastings's intentions, the choice seems to have been a reasonable one. He did not wish to see another minister established as the successor to Muhammad Riza Khan, nor were there functions for such a minister to perform. The remaining duties attached to the Nawab's court consisted of the control of his personal expenses and the supervision of his education. Since 1764 these duties had been carried out by one or other of Mir Jafar's wives, either by Munni Begam or by Babbu Begam—the mother of the present Nawab. Babbu Begam was unsuitable because she was known to be sympathetic to Muhammad Riza Khan,¹ and therefore Munni Begam was the obvious alternative.

The elevation of Guru Das was sharply criticized by some of Hastings's colleagues. In public they may have stressed the danger of placing influence in the hands of a man with Nandakumar's record, but it is clear that several of them were also keenly apprehensive about the outcome of his inquiries into Muhammad Riza Khan's administration. Hastings defended his choice by pointing out that no evidence would be forthcoming about Muhammad Riza Khan without some public mark of recognition to Nandakumar. He

¹ Hastings to Harris, 31 July 1772, Add. MSS. 29125, f. 124; also *A Translation of the S̄ir Mutaqherin . . . by Seid-Gholam-Hosseini-Khan* (Calcutta, 1902-3), iii. 26.

maintained that Guru Das could be kept in isolation from his father, who 'cannot play tricks, but to his own ruin'.¹ In short, Hastings seems to have had good reasons, in the instructions which had been sent to him and in his own declared policy, for both appointments.

The fall of Muhammad Riza Khan and the promotion of Guru Das certainly restored to Nandakumar much of the ground which he had lost in 1765; but he was unable to exploit his success. Munni Begam had a 'fixed aversion' to Guru Das and was trying to undermine his position at the Nawab's court,² while Hastings remained aloof. Anxious to bring about a reconciliation between Guru Das and the Begam, he was determined to keep Nandakumar away from Murshidabad, the Nawab's capital, and was trying to cut off his correspondence with his son.³

The arrival of the new councillors in Calcutta in October 1774 gave Nandakumar an opportunity to improve his position by a fresh intrigue. As their quarrel with Hastings grew increasingly bitter and irreconcilable, the new councillors were more than willing to hear accusations against him and to reward those who brought such accusations. Frustrated ambition almost certainly drove Nandakumar to throw in his lot with the majority on the Supreme Council; but when explaining why he had brought accusations against Hastings, he claimed that he had acted in self-defence, since he believed that Hastings had sided with his enemies.⁴ There may well be an element of truth in this. Nandakumar had many enemies, both Indian and European, and may have felt the need for a greater measure of official countenance against them than Hastings was prepared to give him. In March 1773 Nandakumar told Hastings of a plot against him involving Sadr-ud-din and his own son-in-law, Jagat Chand.⁵ Both Sadr-ud-din and Jagat Chand are now known to have been leading figures among the group who brought forward the prosecution for forgery for which Nandakumar was to be

¹ To [W. Aldersey], 8 July 1772, Add. MSS. 29125, f. 103.

² S. Middleton to Hastings, 13 Aug. 1773, Add. MSS. 29134, f. 28.

³ Hastings to Middleton, 9 July 1773, Add. MSS. 29125, f. 219.

⁴ B.S.C. 13 Mar. 1775, 11th Report, Select Committee, *Reports*, vi. 706.

⁵ Hastings to Middleton, 15 Mar. 1773, Add. MSS. 29125, f. 202.

executed in August 1775.¹ Sadr-ud-din² was the *banyan* of John Graham,³ who was Muhammad Riza Khan's most zealous European supporter,⁴ and was frequently described by Nandakumar as his 'enemy'.⁵ Nandakumar also complained that Jagat Chand had 'secretly joined the party of Md Rizza Cawn'.⁶ He was later to claim that the civil suit, from which the criminal charge of forgery developed, was being used as a weapon against him at this time, and in June 1772 he had been confined in prison for contempt of one of the Company's courts.

Nandakumar's intermediary with the new councillors was Joseph Fowke. Fowke had made a fortune after a long career in the Company's service at Madras, had spent it in Europe and had returned to India as a free merchant. He had established himself at Benares, where he found his prospects blighted by the competition of one Thomas Motte, a close connexion of Hastings. Hastings tried to negotiate a partnership between the two men, but the partnership broke down, and in March 1774 Fowke was writing that he had been 'fair driven from Buhnaras' by 'Mr. Motte supported by Mr. Hastings'.⁷ Temperamentally unstable at the best of times, after this reverse Fowke seems to have had a permanent sense of grievance against Hastings.

By December 1774 it was widely known that Fowke and Nandakumar were collecting information for accusations against the late administration, and on 30 December John Graham was attacked in a petition from Burdwan. Nandakumar's own accusations against Hastings were not brought until March 1775, although there is evidence that the new councillors knew their substance on 23 February, if not

¹ L. S. Sutherland, 'New Evidence on the Nandakuma Trial', *English Historical Review*, lxxii (1957), 446 and 450.

² Sadr-ud-din had been employed as a *munshi* by Nandakumar in 1761 (*Cal. of Persian Corr.* i. 173), and later entered the service of Muhammad Riza Khan (*ibid.* iii. 277).

³ Graham (d. 1776) had been a member of the Bengal Council, leaving India in 1775.

⁴ Graham was called the 'head' of a party 'desirous of supporting' Muhammad Riza Khan (G. Vansittart to Palk, 11 Aug. 1772, Bodl. dep. b. 96, p. 41).

⁵ *Evidence*, p. 1001.

⁶ Hastings to Middleton, 15 Mar. 1773, Add. MSS. 29125, f. 202.

⁷ To Clive, 22 Mar. 1774, MS. Eur. D. 546.

earlier.¹ On 11 March Francis presented the Supreme Council with a long letter from Nandakumar, alleging, among many other vague accusations, that in making the arrangements for the Nawab's household in 1772, Hastings had received presents worth three-and-a-half *lakhs*: Rs. 104, 105, mostly in gold *muhars* paid by Nandakumar's servants to the Governor's agents, for the appointments of Munni Begam and Guru Das; one *lakh* from Munni Begam, for 'taking away the superiority from Babboo Begum'; and an additional *lakh-and-a-half* paid by order of the Begam to Nur Singh, the brother of Hastings's *banyan*, or Indian steward and agent, Cantu Babu.² On 13 March Nandakumar was called before the Council to be examined. Hastings objected that his fellow councillors were parties to the charge and therefore incapable of sitting as judges on it, and walked out, declaring the Council dissolved. The majority denied his right to dissolve and continued the sitting. They questioned Nandakumar, who showed them a letter, written in 1772 and purporting to be Munni Begam's, which described the arrangements for paying two *lakhs* to Hastings. Nandakumar also promised to bring witnesses to the handing over of the gold *muhars*.³

These witnesses were not in fact produced and nothing more was done to investigate the accusations until, some six weeks later, they were revived by a fresh initiative which seems to have owed nothing whatsoever to Nandakumar. The charges were revived by the intervention of a certain Nanda Ray, who had been employed in the Nawab's treasury at Murshidabad but had been dismissed seven months previously by Munni Begam's chief eunuch, Itibar Ali Khan. Nanda Ray retaliated by obtaining a selection of the accounts of the Nawab's household and by persuading James

¹ Clavering told Francis that he believed efforts were being made to 'restore Rajah Gourdash the money that was taken from him for his appointment' (23 Feb. 1775, Add. MSS. 34287, f. 34); cf. Francis's claim that he 'really did not know the particulars of the charges', which had been kept 'secret' from him (to W. Ellis, 18 Nov. 1777, MS. Eur. F. 5, pp. 203-4).

² Krishna Kanta Nandi (known to the English as 'Cantu') had been *banyan* to Hastings in his earlier service in Bengal. He was a man of great wealth on his own account, holding large revenue farms and speculating in salt.

³ In the impeachment this examination was declared to be inadmissible as evidence. It is printed in 11th Report, Select Committee, *Reports*, vi. 706 seq.

Grant,¹ accountant to the Murshidabad Provincial Council, to accompany him to Calcutta with them. Grant, who was acknowledged to have acted solely out of a sense of duty to the Company (although his fellow servants thought it a sadly warped one), presented the accounts to the Council on 2 May. He had no clear idea what they would prove: he told Clavering that twelve *lakhs* had been embezzled by Munni Begam from the Company; Clavering persuaded him that the money had been embezzled from the Nawab;² according to the report of a committee later set up to examine the accounts, they were both incorrect, and no money had been embezzled at all.³

Nanda Ray's and Grant's intervention prompted the majority to order a search of the Nawab's accounts at Murshidabad for evidence of presents. It would seem that Nandakumar had no intention of suggesting such a search himself. 'Whose doing is all this?' asked a shrewd observer, 'N can surely have no hand in it but, I rather think it must be against his son and people who have had the management: for if he had intended these accounts to be brought to light, he surely had it always in his power to produce them.'⁴ This surmise received partial confirmation when those who were carrying out the inquiry complained of obstruction by Guru Das.⁵ Grant and two other Company servants were appointed to form a committee to examine the Nawab's accounts. They were to be accompanied by Charles Goring,⁶ one of the majority's partisans, whose mission had a political as well as a judicial purpose. He was to deliver the accounts to the committee and, at the same time, to dismiss Munni Begam from all her offices and to give Guru Das, Nanda-

¹ Grant, who should not be confused with the author of the *Analysis of the Finances of Bengal*, fought a duel with Hickey's friend Robert Pott who called him an 'informers'.

² Clavering to Francis, 7 May 1775, Add. MSS. 34287, f. 80.

³ The committee believed that she had intended to defraud the Company by overstating the Nawab's debts by Rs.967,963 in the mistaken belief that the Company were about to pay them (see extracts from their report, 11th Report, Select Committee, *Reports*, vi. 674 seq.).

⁴ G. G. Ducarel to D. Anderson, 3 May 1775, Add. MSS. 45431, f. 152.

⁵ 11th Report, Select Committee, *Reports*, vi. 628.

⁶ Goring (1744-1829) was a member of the Calcutta Committee of Revenue. He became chief of it in 1776 and left India in 1778. He gave evidence to the Select Committee for which he was dismissed the service in 1783.

kumar's son, sole charge of the Nawab's household; the removal of Munni Begam was a step which the majority had been wanting to take for some time,¹ since they believed that it would break the ascendancy which Hastings's party had been able to maintain at Murshidabad.²

After deposing Munni Begam on 17 May, Goring remained at Murshidabad until September collecting evidence to confirm Nandakumar's accusations against Hastings. In this he was only partially successful. He induced the Begam, who later claimed that she had only yielded to intimidation,³ to give information about two presents: Rs.150,000 (or £15,000) given to Samuel Middleton,⁴ a former Resident at Murshidabad, and Rs.150,000 given to Hastings. She described the money given to Hastings as the customary allowance for 'entertainments' made to a Governor on a visit to the Nawab, and not as a present. Goring failed to obtain satisfactory evidence about the other two *lakhs* mentioned in Nandakumar's letter. The Begam said that the Rs.150,000 had been paid in instalments: one *lakh* to Nur Singh, and the remaining Rs.50,000 in bills given to Guru Das. Guru Das maintained that these bills had been part of another *lakh* given on her behalf by Nandakumar in Calcutta; but this was denied by the official in the Nawab's treasury who had handled the transaction, and who confirmed the Begam's version.⁵

It is not inconceivable that Hastings did receive these two *lakhs* or some other payment over and above the Rs.150,000. The Nawab's resources had frequently found their way into the pockets of Europeans and were to continue to do so.⁶ His

¹ Clavering to Francis, 23 Feb. 1775, Add. MSS. 34287, f. 34.

² See Hastings to J. Graham, 3 Apr. 1775, Ad. MSS. 29127, f. 191.

³ See her 'Narrative', 11th Report, Select Committee, *Reports*, vi. 694-8.

⁴ Middleton (1736-75) made a confession of 'some circumstances' to Anderson, who was a member of the committee of inquiry: he described how in 1772, after the arrest of Muhammad Riza Khan, Babbu Begam 'considered that I had rendered her son some service by keeping everybody quiet in the city' and gave him a 'teep' for a *lakh* of rupees, which Munni Begam later ordered to be paid. He also received 'a small commission on some debts which I collected for the Nabob at Calcutta' and 'half the amount of a note of the Nabob Nudjeem ul Dowlah to me given in the year 65' (25 May 1775, Add. MSS. 45431, ff. 178-80).

⁵ *Reports*, vi. 644-5.

⁶ See, for instance, the correspondence about a present extracted from the Nawab in 1783 for General Carnac (Add. MSS. 29160, ff. 159 and 239).

accounting was in complete confusion: the committee of inquiry examined just under one-and-a-half million sheets, written 'in a language, which of all others seems to admit of the least clearness in figures, or regularity in point of dates'.¹ Hastings had given up any attempt to keep a regular check on the Nawab's income and expenditure, and the Company's accountants had some difficulty, when pressed by the majority, in preparing a statement of the payments of the Company's stipend to him. But if Hastings did take more than Rs. 150,000, Nandakumar's proof of it was very unconvincing. It rested solely on his own allegation and the Begam's letter which he had produced on 13 March. She later denied that she had ever written such a letter, and Hastings concluded, not improbably, that it was a forgery.² Nandakumar's failure to produce those who were supposed to have handled the gold *muhars*, and Goring's complete inability, even with the majority's star in the ascendant, to find witnesses at Murshidabad, make the existence of the other two *lakhs* even more dubious. No further efforts were made to obtain evidence in India, and in London the Company's solicitor considered that there were insufficient grounds for an action against Hastings.³

The receipt of Rs. 150,000 is beyond doubt. Hastings admitted it at the impeachment, and, by showing that other Governors had accepted similar 'entertainments', tried to argue that it was one of the customary perquisites of his office. It has been shown that in making the appointment of Munni Begam Hastings had acted on the Directors' orders and his own clearly defined policy, and therefore, by the conventions of the Company's service, he felt himself entitled to accept money from her without the taint of bribery. But if this distinction between a customary perquisite and a present was warranted by convention, it was not warranted by the covenant which Hastings had signed when he returned to India, and which forbade him to accept any 'gift, reward, gratuity, allowance, donation or compensation'.⁴

¹ *Reports*, vi. 684.

² Hastings to Graham, 3 Apr. 1775, Add. MSS. 29127, f. 191.

³ *Reports*, vi. 691-3.

⁴ *Evidence*, p. 960.

After he had transmitted such evidence as he had been able to gather, and armed with material apparently highly damaging to a wide circle of Company servants, which was never to see the light of day, Goring returned to Calcutta. The committee of inquiry continued their researches into the Nawab's accounts and reported in January 1776. They produced a monument of tact in five volumes, which incriminated neither Europeans nor Muhammad Riza Khan.¹ By the time their report appeared it had lost most of its relevance. The accusations against Hastings had been dispatched to England, where the fate of the Bengal government was to be decided; and the struggle for influence over the Indian community had ended in a decisive victory for Hastings. Nandakumar was accused of a forgery allegedly committed in 1769, tried by the newly constituted Supreme Court, sentenced to death, and executed in August 1775. The effect of his execution was described by an enthusiastic supporter of Hastings:

With the life of Nundcomar has ended the prevalent spirit of informants and of the litigious; the Blacks know not which way to look; everyone cautious and reserved. The change which this execution has worked is easily perceived, and felt by the different ranks of the inhabitants in this settlement—and I hope they may continue in their present timid disposition.²

The execution was a resounding triumph for Hastings and inevitably aroused suspicions that the Governor-General had taken an active part in bringing it about. To Burke these suspicions amounted to certainty, but his charge was limited to the receipt of presents and did not include the procuring of a judicial murder. Why he decided against using the most sensational of all the allegations against Hastings at the impeachment is not easy to explain. It is most probable that he appreciated that any attempt to convict Hastings of influencing the verdict of the court would also implicate the Chief Justice, Sir Elijah Impey. An impeachment of Impey, of which the execution of Nandakumar was the most important charge, was begun in 1787, but when Burke was

¹ Summarized in *Reports*, vi. 674 seq.

² E. Sherwin to J. Graham, 25 Aug. 1775, Kinross House MSS. 2124/2.

drafting the charges against Hastings a year earlier, he evidently did not envisage a second impeachment as a practical possibility, and so omitted any direct reference to the 'murder' of Nandakumar.

Detailed consideration of Hastings's part in Nandakumar's execution is therefore outside the scope of this study. It seems to be generally accepted that a forgery of some sort was committed and that if the legal knowledge of the judges showed surprising deficiencies, their integrity is not open to question.¹ On the other hand, it is no longer possible to maintain that the case would have taken the course it did if political considerations had been absent.² The chief problem is to apportion responsibility for promoting the prosecution between Nandakumar's Indian enemies and Hastings and other Company servants. Nandakumar's enemies had been active as early as 1773, and General Clavering was presumably correct in claiming that the suit out of which the forgery charge arose had been 'kept alive for four years past on purpose to keep him in dependence'.³ It is no doubt true that when Nandakumar exposed himself in the conflicts of 1775, his enemies would strike at him as he had struck at them, confident in the knowledge that they would be given some European support. However, the recently published memoranda kept by Hastings's friend George Vansittart⁴ make it clear that they wanted concrete assurances and that Vansittart gave them such assurances.⁵ It is difficult to believe that Hastings was ignorant of this.

The conflicts for office in the central administration of Bengal, which had broken out on the arrival of the new councillors, were reproduced on a smaller scale in struggles

¹ J. D. M. Derrett, 'Nandakumar's Forgery', *English Historical Review*, lxxv (1960), 223-38. For a different interpretation see N. K. Sinha, 'The Trial of Maharaja Nandakumar', *Bengal Past and Present*, lxxviii (1959), 135-45.

² J. F. Stephen in *The Story of Nuncomar and the Impeachment of Sir Elijah Impey* claimed that the prosecution had no connexion with political events. He argued that a criminal prosecution had begun as early as March 1774 and was only delayed by difficulties in obtaining papers. In the light of evidence in Sutherland, *English Historical Review*, lxxii, 461, this view is no longer tenable.

³ To Francis, 7 May 1775, Add. MSS. 34287, f. 81.

⁴ Vansittart (1745-1825), the brother of Governor Henry Vansittart, was at this time a member of the Board of Trade. He left India in 1776 and became M.P. for Berkshire in 1784.

⁵ Sutherland, *English Historical Review*, lxxii, 461.

for minor posts and for control of some of the larger *zamindaris*. These struggles produced a plentiful crop of accusations against both Europeans and Indians, two of which—relating to the *zamindari* of Rajshahi and the office of the *faujdar* of Hugli—were specifically aimed at Hastings and included in the presents article. There is no reliable evidence to prove the truth of the accusations one way or the other, and the most that can be attempted is to sketch in the background to them.

The *zamindari* of Rajshahi 'which rivalled the Burdwan *raj* for the premier position among the Bengal *zamindars* in the last days of the Nawabi',¹ had a comparatively short history, having acquired most of its lands in the eighteenth century. In 1772 the Committee of Circuit farmed out Rajshahi to the hereditary *zamindar*, the Rani Bhawani.² With her lands suffering from the effects of the great famine of 1770, the Rani was unable to maintain the Committee's assessment, which one of its members admitted had been overrated,³ and two years later she was in arrears with her revenue. The situation was further complicated by a dispute over the succession, the Rani wanting the *zamindari* to pass to her adopted son Ramkrishna, who was opposed by a remote connexion of her family.⁴ In 1774 the Governor and Council decided that she should be deprived both of the farm and of the title of *zamindar*; but, after personal intercession with Hastings by members of the Murshidabad Provincial Council,⁵ she was permitted to retain the title while the lands were let to another farmer. Ramkrishna, who had been managing the *zamindari* for her, was expressly excluded from the succession.⁶

The divisions in the Supreme Council gave Ramkrishna and the Rani an opportunity to stage a counter-attack. On

¹ J. C. Sarkar, ed., *The History of Bengal*, ii (Dacca, 1948), 414.

² The Rani, the widow of Raja Ram Kanta Rai (d. 1748), apparently survived her husband by fifty-eight years. She long enjoyed a well-deserved reputation for charity on a colossal scale and a rather spurious one for nationalism.

³ Middleton to Hastings, n.d., Orme MSS. Various, vol. 166, ff. 17-18.

⁴ Genealogy in Murshidabad Factory Records, 5 May 1774, vol. viii (no pagination).

⁵ W. Hosea to S. Middleton, 15 June 1774, Orme MSS. Various, vol. 166, ff. 33-34.

⁶ Bengal Revenue Letter, 18 Oct. 1774, Bengal Letters Rec'd, xiii. 196-200.

1 March 1775 Ramkrishna delivered a petition complaining of oppressions committed by the new farmer, Dulal Ray.¹ A month later he produced a far more portentous petition alleging that over fifteen *lakhs* had been embezzled from the *zamindari* by the *banyans* of Company servants—including Rs. 381,141 by Cantu Babu. Witnesses were examined on 12 May, who deposed that they had given Rs. 40,452 to Cantu, but no further steps were taken to investigate the accusation. On 19 May, however, after an examination of the original petition against Dulal Ray, the majority ordered that the farm of the *zamindari* should be restored to the Rani, with, according to Hastings, 'the presumptive inheritance' to Ramkrishna.² Even if he and the Rani had not, as Vansittart believed, been 'plainly and repeatedly told that the success in their applications should depend upon their lodging accusations',³ they can hardly be blamed for thinking so.

The office of *faujdar*, or local governor, of Hugli was a relic of the Nawab's government deliberately preserved by the Company to decide 'complaints in which the foreign companies or the subjects of their nation[s] are concerned', and thus to avoid friction with the Dutch and French settlements at Chinsura and Chandernagore.⁴ On 30 March 1775 the Supreme Council received a petition from one Zain-ul-abdin Khan alleging that Hastings had sold the office of *faujdar*, for Rs. 36,000 (or £3,600) for himself and Rs. 4,000 for Cantu, to Khan Jahan Khan.⁵ Zain-ul-abdin Khan was questioned, produced two inconclusive letters, and, after Khan Jahan Khan had refused to be examined on oath by the Council, another *faujdar* was appointed. In 1786 Hastings said that 'the charge carried falsity on the very face of it', and added: 'I solemnly declare, that as far as relates to myself, it is wholly false and groundless; and I believe it to be false as it relates to my *banyan*.'⁶

¹ For the Rajshahi investigations, see 11th Report, Select Committee, *Reports*, vi. 825 seq.

² *Reports*, vi. 853.

³ To R. Palk, 13 May 1775, Bodl. dep. b. 97, p. 81.

⁴ Calcutta Committee of Revenue Proceedings, 24 June 1774, R. 67, vol. 58 (no pagination).

⁵ For examinations see 11th Report, Select Committee, *Reports*, vi. 723-30.

⁶ *C. 75*. xli. 709.

The evidence on all the allegations in the first half of the presents article is extremely defective. Nothing concrete, with the exception of the receipt of Rs. 150,000 from Munni Begam, emerged from the investigations of the Supreme Council, and there is nothing in the personal papers of Hastings or of other Company servants which confirms or disproves any of the accusations. If the details of the charges are obscure, the motives of those who brought them are abundantly clear. Nandakumar, the Rani Bhawani and Ramkrishna, and Zain-ul-abdin Khan were all competitors for office who wished to discredit their rivals and to ingratiate themselves with the new councillors. The majority were regrettably willing to encourage distortion and fabrication by making accusations the grounds for dismissals and appointments. In these circumstances, it would be very unwise to accept the accusations at anything like their face value. On the other hand, during the first four years of his administration of Bengal Hastings remitted £122,000 to Europe, a sum which exceeded his officially recognized emoluments by over £25,000.¹ Hastings had a reputation among his contemporaries of being a 'moderate' man; acceptance of bribes for services on the scale alleged by his accusers was incompatible with 'moderation', but the taking of large perquisites was not. It is very unlikely that the Rs. 150,000 was the only perquisite which Hastings had received before the arrival of the new councillors. Lauchlin Maclean was probably close to the truth when he wrote:

As to his fortune . . . I have discovered it to be ample. The profits of the government of Bengal are, when in the hands of a moderate man, of themselves the source of riches; but exclusive of this, his *banyan* who was thought not to have done him justice in his former serving him, has, to atone for it, served him faithfully and effectually since.²

II

In the second part of the presents article, Hastings was charged with receiving 'several large sums of money' from

¹ See my article, 'The Personal Fortune of Warren Hastings', *Economic History Review*, 2nd series, xvii (1964-5), 292-3.

² To Sullivan, 18 Jan. 1774, Bodl. MS. Eng. Hist. c. 271, f. 2.

'divers persons, known and unknown'. The details of the alleged presents show that the issues which they raised were very much less straightforward than those which the House of Lords had been required to consider in the first half of the article. Whereas in the earlier part Hastings had been accused of trying to conceal the receipt of money taken for his own use, in the second half he himself had provided the first and practically the only information about the various sums. Furthermore, he claimed that, with two exceptions, all these 'presents' had been taken not for his own benefit, but for that of the Company, to whom he had paid all the money. Unable to prove that Hastings had finally kept any of the sums mentioned in the second half of the article, the Managers maintained that the receipt of a present under any pretext was illegal, and, moreover, that Hastings had intended to keep all the money that he had taken, and undoubtedly would have done so, if the threat of imminent discovery had not obliged him to disgorge it to the Company.

The legal problems involved in the second half of the article were also more complex than those in the first half. Even though the earlier accusations all referred to sums of money allegedly received before the passing of the Regulating Act of 1773, the first statutory prohibition on the receipt of presents, the covenants entered into by the Company's servants after 1764 expressly forbade them to accept money for their own benefit. The incidents charged in the second half all took place after 1773, but neither the covenants nor the Regulating Act provided any clear guidance on the question of money taken irregularly for the Company. The Act stipulated that no individual should accept a present 'on his behalf, or for his use or benefit', and added that any such present 'shall be deemed and construed to have been received, taken, had, and done, to and for the sole use' of the Company, who could sue for its recovery.¹ Hastings's counsel argued that if the Managers failed to prove that he had in fact kept any of the money, these clauses provided a clear justification for what he had done.

¹ 13 Geo. III, c. 63, secs. 24 and 26. This ambiguity was ended by Pitt's Act of 1784, which declared the receipt of presents for the Company to be illegal (24 Geo. III, c. 25, sec. 45).

Two of the items in the second half of the article can be treated separately, since Hastings admitted that in both cases he had intended the money for his own use. Alarmed by the state of his fortune, but also conscious after the Nandakumar episode of the danger of infringing the Regulating Act, he had asked the Court of Directors for permission to keep large sums of money offered to him by the Wazir of Oudh and by Maharaja Nobkissen.

In 1780, when Hastings began seriously to consider leaving India, his English attorneys told him that his property at home amounted to £72,657, yielding him an income of about £3,500 a year.¹ Hastings regarded such an income as inadequate. He wished to return to England with a fortune large enough to enable him to buy the estate of Daylesford, which his family had sold in 1715,² and to live in it in what he thought was a suitable style. He had been warned that he would be 'miserable' on less than £5,000 a year.³ His wife was no less ambitious than himself; Major Scott commiserated with her in finding 'the state of Mr. Hastings's private fortune . . . a cause of melancholy to you whenever you think of it'.⁴ There was no real prospect that Hastings would make any substantial addition to his fortune by orthodox means. His salary with allowances amounted to over £30,000 a year, but in his last years in India he consistently exceeded even this huge income.⁵

In 1781 Hastings found what appeared to be the solution to all his financial problems. After signing the treaty of Chunar in September, the Nawab Wazir of Oudh offered him a present of ten *lakhs* of rupees, or £100,000. Hastings felt himself just as much entitled as his predecessors, who had taken comparable presents from the Nawabs of Bengal, to a reward for his achievements in the Company's service, and on 20 January 1782 he asked the Directors for permission to keep the ten *lakhs*. He wrote:

I am now in the fiftieth year of my life: I have passed thirty-one years in the service of the Company, and the greatest part of that time

¹ Add. MSS. 29228, f. 249. ² K. G. Feiling, *Warren Hastings* (1954), p. 3.

³ Scott to Hastings, 11 July 1782, Add. MSS. 29155, f. 63.

⁴ 25 July 1783, Add. MSS. 29160, f. 146.

⁵ See my article, *Economic History Review*, 2nd series, xvii, 292.

in employments of the highest trust. My conscience allows me boldly to claim the merit of zeal and integrity; nor has fortune been unpropitious to their exertions. To these qualities I bound my pretensions. I shall not repine, if you shall deem otherwise of my services; nor ought your decision, however it may disappoint my hope of a retreat, adequate to the consequence and elevation of the office which I now possess, to lessen my gratitude for having been so long permitted to hold it; since it has, at least, enabled me to lay up a provision with which I can be contented in a more humble station.¹

The present, given in the names of the Wazir and his ministers Hasan Riza Khan and Haidar Beg Khan and including a *lakh* specifically intended for Mrs. Hastings, was made in bills on the banking house of Gopal Das of Benares. These bills were paid between October 1781 and March 1782, Hastings's secret service accounts were credited with the money, and it was immediately used to pay off the arrears of the Company's troops in Oudh.² Although his more optimistic friends assured Hastings from time to time that the Directors, with the approval of the home government, would permit him to recover the ten *lakhs* from the Company, permission was never given.

In January or February 1782, when Hastings was returning from Benares, the Wazir pressed him to accept another ten *lakhs*, presumably as a reinsurance after the turmoils which had accompanied the seizure of the Begam's treasures. This transaction became the fourteenth article in the impeachment—a 'Misdemeanor in Oude'. Hastings at first refused the offer, later writing that it would have been 'liable to constructions . . . so repugnant to the disinterested friendship' which he held for the Wazir.³ In May he changed his mind and decided that he would try to obtain the money for the Company's use. He was hoping to raise a loan for the Company from Oudh and suggested that the ten *lakhs* offered to him might be included in it. Since he had lost all confidence in the official Residents at Lucknow, he chose his military secretary, Major William Palmer, as negotiator. Palmer encountered vigorous opposition: in the first place from Richard Johnson, the deputy to the Resident, who

¹ *Evidence*, p. 1112.

² The accounts were printed in *Evidence*, p. 1158.

³ *Ibid.*, p. 1266.

rightly saw Palmer's mission as an attempt to supplant him and argued that the ten *lakhs* could only come out of assignments already earmarked for the Wazir's regular debt to the Company; and later from the Wazir and his ministers, who tried to make their consent a condition for fresh modifications in the treaty of Chunar.¹ In the face of this opposition Hastings waived both his claim to the ten *lakhs* and his plan for a loan. There was never any question that the money would go to him rather than to the Company; whether they got it as a 'present' or in payment of the Wazir's debt depended on the outcome of the rivalry between Palmer and Johnson.

By 1783 Hastings realized that he was not going to get permission to keep the Wazir's ten *lakhs*. He told Impey that he needed them 'even for a subsistence' and at the same time gave him details of another plan he had devised for raising money before he left India. He proposed to recover from the Company money of his own which he claimed he had spent on its behalf in the past.² He prepared an account of such payments for the whole of his administration amounting to three *lakhs* of sicca rupees. The chief items in the account were 'office charges', rent paid for houses for aides-de-camps, the salaries of compilers of codes of Hindu and Muslim law, contributions to the establishment of a *madrassa*, or Muslim college, and the charges of building boats.³ To avoid a second rebuff, Hastings intended to present both the Court of Directors and the Supreme Council with a *fait accompli*. This could be done by judicious manipulation of his *Durbar* accounts—the money which the Governor-General was permitted to spend on 'secret services'. The other members of the Supreme Council had no control over the way in which this money was used, but they could limit the amount which was spent, since the Governor-General was obliged to apply for advances which had to be approved by the whole Council. To circumvent the inevitable opposition of his colleagues to an advance of three *lakhs*, Hastings decided to reimburse

¹ Asaf-ud-daula to Palmer, rec'd 22 July 1782, Add. MSS. 29155, f. 137.

² See Scott to Hastings, 12 July 1784, Add. MSS. 29164, f. 489.

³ *Evidence*, pp. 1121-49.

himself with a sum 'privately received'. On 21 February 1784 he told the Directors what he had done, but he did not tell them who had given him the money.¹ In his Defence before the House of Commons he revealed for the first time that the money had come from Maharaja Nabakrishna, known to the English as Nobkissen.²

In the year 1783 . . . I borrowed three lacks of rupees of Rajah Nobkissen, . . . whom I desired to call upon me with a bond properly filled up—he did so; but, at the same time I was going to execute it, he entreated, I would rather accept the money than execute the bond: I neither accepted the offer nor refused it; and my determination upon it remained suspended between the alternative of keeping the money as a loan to be repaid, and of taking it and applying it, as I had done other sums, to the Company's use; and there the matter rested till I undertook my journey to Lucknow [in February 1784], when I determined to accept the money for the Company's use. . . .³

This version was later challenged by Nobkissen himself. In 1792 Nobkissen filed a bill in Chancery alleging that in July 1780 Hastings had borrowed three *lakhs* of rupees from him, for which he had promised to give him his bond, but that he had refused to hand over the bond or to make any repayment.⁴ Nobkissen claimed £37,500 with interest at 12 per cent. In most respects Nobkissen's bill seems to have been a complete fabrication. The survival of one of two bonds, executed by Hastings but later returned to him cancelled, seems to be clear proof that Nobkissen had at some stage consented to Hastings's keeping the three *lakhs* as a present.⁵ The suit dragged on until 1804 (seven years after Nobkissen's death), when the bill was dismissed.

If Hastings deserved to win the Chancery suit, evidence given in it threw light on several points which he had left obscure in his Defence. The production of this evidence at the impeachment would have seriously damaged Hastings's case. Hastings had not thought it necessary to explain why

¹ *Evidence*, p. 1120.

² Nobkissen (d. 1797) had been a *munshi* in the Company's service and was reputed to have been Hastings's 'Persian preceptor'. He had been 'political banyan' to both Clive and Verelst.

³ *Evidence*, p. 1149.

⁴ P.R.O., C 12/647/29, C 12/2423/17, and C 12/2185/10.

⁵ P.R.O., C 24/2026.

Nobkissen should have wanted to give him a present of three *lakhs*, and his counsel denied that the money 'could have relation to any corrupt purpose or service whatever'.¹ This might have been true if the offer had been made, as Hastings claimed, in 1783. But, whatever else he may have said in his bill, Nobkissen, as Hastings later admitted, had spoken the truth about the date of the loan; the bonds were dated 26 July 1780 and the first instalment had been paid on 29 July. On 21 July 1780 the Supreme Council had considered a petition from Nobkissen asking that he should be appointed *sazawal*, or administrator, of the *zamindari* of Burdwan to enable him to recover loans of nine *lakhs* which he had advanced to the young Raja of Burdwan.² His petition was granted and he remained *sazawal* of Burdwan for what appear to have been two very profitable years; he was believed to have recovered his loan to the Raja within eighteen months,³ and no doubt recovered his 'loan' to Hastings as well.

At first sight, it seems difficult to avoid the conclusion that Nobkissen had bribed Hastings to send him to Burdwan. There were, however, strong grounds why Hastings should have accepted Nobkissen's petition without any personal inducement. Burdwan was the richest *zamindari* in Bengal, and, as Hastings wrote in a minute, it was of the utmost importance for the Company to maintain its revenue during the crucial years of the war.⁴ Nobkissen's loans had enabled the Raja to pay his assessment in the previous year, and his acceptance of responsibility for the revenue of Burdwan seemed to be the best way of ensuring a high assessment in future. Hastings's dealings with Munni Begam suggest that he was willing to accept favours from those on whom he had previously decided that it was in the Company's interest to confer benefits. But if the imputation of bribery remains unproven, it was unfortunate, to say the least, that Hastings should have accepted a loan from Nobkissen, which soon became a present, when appointing him to a most valuable office. Hastings's claim in his Defence that he had accepted

¹ *Bond*, iii. 645.

² B.R.C., R. 50, vol. 25, pp. 1143-50.

³ S. Charters to D. Anderson, 22 June 1782, Add. MSS. 45425, f. 195.

⁴ B.R.C. 26 Jan. 1781, R. 50, vol. 30, p. 516.

the three *lakhs* as a present for the Company is of course literally true; but he had so arranged matters that what he received in his official capacity he paid straight to himself in his private capacity, on his own authority.¹

Evidence about the other sums charged in the second half of the article was extremely scanty. Their existence had been revealed by Hastings, who claimed that he had taken them solely for the Company's use and denied that he had ever intended to keep them for himself. The Managers could produce no evidence that he had kept any of the money, but they tried to prove that he would have done so if he had not been forced by the threat of imminent detection to surrender the presents to the Company.

The first indication that most of the various sums had been taken was provided by Hastings himself in a letter, giving totals but no other details, written to the Court of Directors on 22 May 1782.² In response to inquiries for more information, he referred the Court to William Larkins, the Company's Accountant-General, who also looked after Hastings's personal affairs. Larkins drew up an account which Hastings forwarded to the chairman in 1786. This account consisted of a brief list of dates and names, summarized as:

	'Cabooliats'. ³	Received.	Balance.
Dinagapore Peishcush	4,00,000	3,00,000	1,00,000
Nuddea "	1,50,000	1,50,000	—
Patna "	4,00,000	2,00,000	2,00,000'

with an additional entry, 'from Nundoolol', of Rs. 58,000.⁴

The Managers' case virtually began and ended with Hastings's letters and Larkins's account. With the aid of evidence given before the House of Commons, they were able to identify the donor of the 'Patna' present, but for the rest, however much they might speculate in their speeches, they admitted in private that 'neither the time nor the place,

¹ This episode is examined in greater detail in my article 'Nobkissen *versus* Hastings', *Bulletin of the School of Oriental and African Studies*, xxvii (1964).

² *Evidence*, pp. 1114-15.

³ *Kabulyat*—an agreement.

⁴ *Evidence*, p. 1157.

nor the person from whom the money was taken are known'.¹ Hastings was perfectly content to leave them in ignorance, but his correspondence and some notes, evidently written for the guidance of his counsel, show that on many points he was himself uncertain or confused.² Larkins's account had originally been compiled from a paper given to him by Cantu Babu, who was supposed to have got his information from the *diwan* of the then Committee of Revenue, Ganga Gobinda Sinha.³ This repetition, Hastings commented, had produced 'inconsistencies . . . so mysterious that . . . I cannot myself reconcile them'.⁴

Larkins's account shows that the 'Dinagapore' money—from the *zamindari* of Dinajpur—was collected by Ganga Gobinda Sinha between August 1779 and July 1780 and was paid into the Company's treasury on 3 and 4 October 1780. It was described as a 'peishcush' (*peshkash*), or fine paid by a *zamindar* on his investiture. A new *zamindar* had succeeded to Dinajpur in June 1780, and, as Hastings's notes confirm, this was the occasion on which the money was paid.⁵ The Dinajpur succession was disputed between the adopted son of the late Raja, aged about six, and the late Raja's half-brother. The case was referred to the Supreme Council, who, acting on a report from the Superintendent of the revenue records, awarded the *zamindari* to the adopted son.⁶ It was placed under the management of the late Raja's widow with her brother as *diwan*.

¹ Introduction to 'Dinagapore' brief, Bodl. MS. Eng. Hist. c. 23, f. 90.

² Add. MSS. 29193, ff. 92-95.

³ Ganga Gobinda Sinha was an extremely controversial figure. His skill and experience in revenue matters were beyond question, but many Company servants believed him to be corrupt and self-seeking. The majority deprived him of his office of *diwan* to the Calcutta Committee in 1775. Hastings appointed him *diwan* to the new Committee of Revenue of 1781, but he resigned his office almost immediately after Hastings left India.

⁴ Add. MSS. 29193, f. 92.

⁵ This fact was never established at the trial. In their speeches the Managers constantly insinuated that the Dinajpur money had been paid by Devi Singh, who became farmer of Dinajpur and Rangpur in 1781. These insinuations were groundless, but it is not difficult to see why they were made: by arguing that the Dinajpur *peshkash* was a bribe paid by Devi Singh, the Managers could claim that the report of atrocities committed by his agents in Rangpur, of which Burke made such liberal use in 1788 (see above, pp. 84-85), had some relevance to one of the charges.

⁶ B.R.C. 23 May and 20 June 1780, R. 50, vol. 24, pp. 956 seq., and vol. 25, pp. 393-5.

The decision does not seem to be open to objection. There were good precedents for succession by adoption in the Bengal *zamindaris*,¹ and even in the Dinajpur family itself. But the payment of two *lakhs*, or £20,000, on behalf of the successful claimant was of course highly irregular (a normal *peshkash* of 730 gold *muhars* was acknowledged in the *sanad*).² The receipt of a present of two *lakhs*, collected long before the issue was judged, leaves the unpleasant impression that the government's decision had been bought. Hastings assured his counsel that this was not the case. He admitted that the money might have been paid by the old Raja to Ganga Gobinda Sinha, 'to whom he had entrusted the interest of his adopted son some time before his death', to meet future contingencies;³ but he insisted that the government was ignorant of this when the succession was decided, and had only made the 'agreement' for the money, 'subsequent to the young zemindar's investiture'.⁴

The Rani and her brother only enjoyed the management of Dinajpur for a year. In 1781 they refused the increase proposed by the Committee of Revenue and the lands were farmed to Raja Devi Singh. During his year of occupation, the Rani's brother was believed to have rack-rented the *zamindari* to an unprecedented degree, including in his demands on the cultivators a 'funeral tax' of Rs.290,423, presumably to repay his *peshkash* to the government.⁵ In 1783 the Committee of Revenue received a report on the 'impoverished state' of Dinajpur, largely attributing it to excessive collections, and decided to accept an assessment of the revenue for the next year lower than that of 1779-80.⁶

Larkins's account showed that four *lakhs* had been promised from Dinajpur, of which only two had been received. Rs.100,000 was described simply as 'remains' and Rs.97,663

¹ H. Misc. cccclxxxi. 542-3, 579-80.

² B.R.C. 1 Aug. 1780, R. 50, vol. 26, p. 332.

³ Ganga Gobinda Sinha, who claimed to be related to the Rani, had established a powerful hold over Dinajpur, which was only broken when Hastings left India. In 1785 the Supreme Council prevented him from detaching a *pargana* from Dinajpur for his own family.

⁴ Add. MSS. 29193, f. 95.

⁵ Committee of Revenue Proceedings, 4 Sept. 1783, Bodl. MS. Eng. Hist. c. 23, f. 187.

⁶ Proceedings, 4 Dec. 1783, *ibid.*, f. 132.

as 'balance in charge of G.G.S.'.¹ No satisfactory explanation of these deficiencies was offered. Larkins thought that Ganga Gobinda Sinha had spent some of the money in his hands on 'diamonds or jewels' for Mrs. Wheler,² and later suggested that Nandalal's Rs. 58,000³ might be a part of the balance.⁴ Hastings's explanation was that he believed the account to be wrong. He thought that it had probably been concocted by the agents of the Raja of Dinajpur, presumably with the connivance of Cantu Babu, in order to incriminate Ganga Gobinda Sinha with a fictitious balance. He was sure that the two *lakhs* which had been received were all that had been promised.⁵

Even if no money was misappropriated between the Raja's treasury and the Company's, which is not very likely, the Dinajpur present has other unwholesome aspects. It suggested that however strong a theoretical right a *zamindari* family might have to their lands, they still felt it necessary to defend this right by financial inducements to the government. The government's acceptance of such inducements can hardly have added to the respect paid to undefended right.

The present from Nadia ('Nuddea') seems to have arisen in the same way as that from Dinajpur. Larkins's account shows that it was collected between 28 October 1780 and 4 January 1781. In 1780 Krishna Chandra, the *zamindar* of Nadia, made over his lands to his eldest son, who presumably paid a *peshkash* to the Company of Rs. 150,000, or £15,000, to obtain recognition of his succession. The agreement was probably made on 19 May 1780, when Hastings's secretary William Markham went to Nadia to witness Krishna Chandra's will.⁶

The source of the Patna present was known to the prosecution. Two witnesses told a committee of the House of Commons that the money had been given by Maharaja Kalyan Singh and Raja Kyallaram,⁷ and Hastings admitted this in his Answer to the articles of impeachment. Kalyan Singh, son of

¹ *Evidence*, p. 1156.

² *Ibid.*, p. 2733.

³ See below, pp. 157-8.

⁴ *Evidence*, p. 2734.

⁵ Add. MSS. 29193, ff. 94-95.

⁶ B.R.C. 6 June 1780, R. 50, vol. 25, pp. 115 seq.

⁷ P.R.H. iii. 329-30 and 339.

the former *naib diwan*, Shitab Rai, was appointed farmer of the province of Bihar in December 1780, with Kyallaram as his *diwan*. He agreed to a settlement five *lakhs* higher than that of the previous year and two *lakhs* higher than that proposed by the Provincial Council at Patna, who had been administering the revenue of Bihar since 1773. The farm was to be held by a *mokarrari sanad*, or perpetual lease, whose terms were to remain unaltered, and Kalyan Singh was to be freed from European supervision by the withdrawal of the Provincial Council.¹ Evidence at the impeachment showed that as well as agreeing to a permanent increase in the annual rent of the province, Kalyan Singh also agreed to a special payment on taking up his farm, which was made privately to Hastings. According to Peter Moore,² who heard the story from Wheler, the money was offered to Hastings as a present, which he declined to take for himself but accepted for the 'Maratta fund'.³

Knowing that if Kalyan Singh's terms were accepted they would be recalled from 'the best situation in the whole service', where, it was said, 'every man that has had anything to do with the revenue . . . has made a fortune, and times are not so much changed there as in Bengal',⁴ some members of the Patna Provincial Council put up a stiff resistance. In July 1780 William Young,⁵ the acting chief, hearing that Kyallaram was on the point of leaving for Calcutta with proposals for Hastings, placed him under arrest for arrears of revenue to prevent his departure.⁶ After a majority on the Council had ordered Kallyaram's release, George Bright, another of its members, wrote a superb personal letter to Hastings, assuring him that if he were removed from Bihar, he would not be 'drowned' alone but would go down 'in a general deluge', and mentioning certain disclosures that he could make.⁷ For his part, Kalyan Singh retaliated by inducing the Superintendent

¹ B.R.C. 19 Dec. 1780, R. 50, vol. 30, pp. 171-6.

² Moore (1753-1828) left India in 1785. He was the prosecution's most important source of information on events after Francis's departure from India.

³ P.R.H. iii. 339.

⁴ Anderson to T. Graham, 30 Aug. 1776, Add. MSS. 45439, f. 83.

⁵ See below, p. 169.

⁶ Proceedings, 31 July 1780, Patna Factory Records, xvi. 691 seq.

⁷ Proceedings, 21 Aug. 1780, *ibid.* xvi. 793 seq.

of the Patna *Diwani Adalat*, or civil court, to lay a string of accusations before the Supreme Council, alleging abuses by Young and his *banyan*.¹ Young was ordered to Calcutta to answer the charges, and remained there until after the Provincial Council had been withdrawn.

The extra payment promised by Kalyan Singh when he was given the farm was said to be four *lakhs*. Larkins's account showed that two *lakhs* were paid between 21 March and 14 September 1781, but there is no record of what happened to the other two. It is clear that all the money that could be raised from Bihar during 1781 was needed for the Company's ordinary revenue. Hastings had speculated on an increased revenue with the risk of depending on two men for the whole of a province, and the speculation turned out badly. Kalyan Singh and Kyallaram quarrelled and the Committee of Revenue decided to divide the province between them with a share for a European collector at Patna. At the end of their first year both men were heavily in arrears with their revenue.² Chait Singh's rebellion had seriously disrupted collections in Bihar, but the Committee were convinced that the arrears had been increased by embezzlement by Kyallaram and by mismanagement by Kalyan Singh. Kyallaram was forced to relinquish his farm and was imprisoned. Kalyan Singh's assessment was reduced and he was placed under the supervision of a Company servant; but by the end of the year 1782-3, when he finally gave up his farm, he still owed the Company over seven *lakhs*.³

Practically nothing is ascertainable about Nandalal's ('Nundoolol's') present of Rs.58,000, or £5,800. He had been *diwan* of Rajshahi until the Rani Bhawani regained the farm of the *zamindari* in 1775.⁴ In 1777 he was made *diwan* to the Murshidabad Provincial Council, and in 1781 Hastings told the Committee of Revenue that he 'wished him to be provided for'.⁵ When Ramkrishna refused the settlement

¹ Summarized in Personal Records, xiii. 405-11.

² They each owed the Company approximately Rs.280,000 (B.R.C. 27 Nov. 1781, R.50, vol. 36, pp. 388-9).

³ B.R.C. 23 Sept. 1783, Bodl. MS. Eng. Hist. c. 25, ff. 385 seq.

⁴ See above, p. 144.

⁵ J. Shore to Anderson, 25 Apr. 1781, Add. MSS. 45428, f. 50.

proposed by the Committee, Nandalal was given the farm of Rajshahi; the present, given to Hastings on his journey to Benares in 1781, no doubt marked his appointment. He proved incompetent and was quickly removed from his farm.¹

The presents which Hastings maintained that he had accepted for the Company and not for himself also included two *lakhs* taken in 1780 from Raja Chait Singh of Benares. The offer was originally made in May 1780 by Sadanand, Chait Singh's envoy in Calcutta, in exchange for a new agreement between the Raja and the Company. Hastings at first refused to consider any new agreement, but when Sadanand repeated the offer without conditions he decided to accept the money. He explained later that he had only done this because he intended to use it for a specific project. On 12 June he had proposed in Council that the detachment of the Company's troops under Major Camac who were operating in the territory of its ally the Rana of Gohad and receiving their pay from him should invade the country of the Maratha leader Mahadaji Sindhia, where they would once again return to the Company's payroll. Francis and Wheler, in minutes dated 15 June, had objected to the plan on financial and military grounds,² but Hastings hoped to be able to overcome their opposition by offering to meet the costs of the expedition with money which he described as his own. On 21 June he instructed Larkins to receive Chait Singh's present for this purpose. The money was brought in specie over several nights and immediately deposited with the Company's sub-treasurer.³ Hastings made his offer on 26 June, only to be met with repeated objections from Francis. After much altercation and a duel, Camac's force was finally dispatched in August. By that time Hastings did not think that he was still bound to bear any of its cost and decided to leave Chait Singh's money in the Company's treasury as a deposit in his own name.⁴

¹ S. Charters to Anderson, 24 Aug. 1781, Add. MSS. 45425, f. 172.

² *Evidence*, pp. 2124-8.

³ *Evidence* (Larkins), p. 2748, is confirmed by memoranda, apparently written by Hastings at the time, 21 and 22 June 1780, Add. MSS. 29218, ff. 123-4.

⁴ Markham's evidence, *I.C.E.* iii. 199-201, also Hastings to Sullivan, 30 Aug. 1780, *Gleig*, ii. 303-4.

Hastings's attitude to the presents once he had taken them was a strange mixture of candour and furtiveness. All the money was paid to the Company; but in some cases he allowed the receipt of extraordinary payments to appear in the Company's books, while in other cases he tried to hide the fact. The Wazir's ten *lakhs*, Nobkissen's three-and-a-half *lakhs*, and the money from Patna and Nandalal were entered in the Governor-General's *Durbar* accounts and would have aroused questions even if Hastings had not offered explanations first. But an examination of the Company's accounts would not have revealed any trace of the *peshkash* from Nadia or Dinajpur or of Chait Singh's two *lakhs*. Since Hastings's method of concealing the source of these payments was to pretend that the money was his own by taking bonds for it, the Managers argued that if he had not feared detection he would eventually have cashed the bonds and kept the money. But while Hastings was trying to hide the receipt of presents in India, he was making disclosures about them in letters to the Court of Directors. Throughout the impeachment, these letters, evasive on practically every point except the amounts received, were the only real evidence that presents had ever been taken; they would surely never have been written if Hastings had intended ultimately to keep the money.

The two *lakhs* from Dinajpur were put to a special use almost immediately after they had been received. On 10 October 1780, with an additional *lakh*, which, as far as can be ascertained, appears genuinely to have been Hastings's own money, they were paid to the envoy of the Maratha Raja of Berar. This payment was the first instalment of an allowance to secure the neutrality of the Berar army, which had been threatening the south-western frontier of Bengal since 1779. The money was paid in Hastings's name and the Supreme Council were not consulted. Hastings later wrote that Francis would have rejected the project out of hand, and added that he wished to preserve the greatest possible secrecy out of consideration for the Raja of Berar, who was still nominally a member of an alliance against the Company.¹

On 9 January 1781 Hastings took bonds from the Company for the Dinajpur two *lakhs* as well as for his own *lakh*,²

¹ To Sullivan, 28 Oct. 1780, *Gleig*, ii. 327.

² *Evidence*, pp. 1105-6.

and he later took another bond for the Nadia money. These bonds bore interest at 8 per cent., which was never in fact paid, and remained in Hastings's possession until he left India, although on 29 May 1782 he cancelled them by writing on the back that he had no claim on the Company for any of the money.¹ Chait Singh's two *lakhs* remained as a deposit in Hastings's name in the Company's treasury until 1785.

While Hastings was taking precautions in India to disguise some of the presents as his own money, he was already demolishing this pretence in his letters home. He told the Directors on 29 November 1780 that the money which he had offered for Camac's expedition and a third of the first payment to Berar did not belong to him.² On 22 May 1782, a week before he cancelled the bonds, he sent them a complete list of all the money he had taken.³ Thereafter, the Directors made spasmodic attempts to persuade him to tell them where the money had come from, and he made various answers, of which the most informative was Larkins's account of 1786.

The Managers asked two very pertinent questions: why, if he had never intended to keep the presents, had he taken bonds for them? And why had he waited for over a year—until May 1782—before cancelling the bonds?⁴ Hastings produced no satisfactory answer to either question. He was particularly evasive about the bonds, writing on 22 May 1782: 'Were your Honourable Court to question me . . . I would answer . . . that I either chose to conceal the first receipts from publick curiosity, by receiving bonds for the amount, or possibly acted without any studied design which my memory could at this distance of time verify. . .'.⁵ He returned to the subject on 11 July 1785 but was equally vague, saying that the money had to be 'passed to some

¹ Copies of the bonds, *Evidence*, pp. 1118-19.

² *Ibid.*, pp. 1103-5. His claim that two-thirds of the first Berar payment was his own money was later contradicted by everything else he said on the subject, and was clearly an error.

³ *Ibid.*, pp. 1114-15.

⁴ In fact, the Managers believed that Hastings had delayed even longer. The letter of 22 May missed the last ship of the sailing season and was not dispatched until the following December. The Managers concluded that the letter had not been written until December and that the date of 22 May was a false one.

⁵ *Ibid.*, p. 1114.

credit', and taking bonds appeared to be the best way of avoiding 'the jealousy of my colleagues' or the imputation of having taken presents from 'men of a certain class'.¹

The most likely explanation of the bonds seems to be that they were used to provide temporary secrecy in India. While Francis was still on the Council, the Dinajpur money was taken and paid to the Berar army without any entry appearing on the Company's books. After Francis had left for home, Hastings allowed a 'secret service' payment of three *lakhs* to appear in the treasury account for January 1781; but he was still unwilling for it to be known that he was taking money irregularly, and so he balanced it by bonds. By April, when the Patna money was paid, he was content to allow irregular receipts to appear, as well as irregular payments. It is probable that by April he had become confident of the support of Wheler, the only other effective member of the Council, and so felt able to relax his precautions.

The delay of over a year in cancelling the bonds, after the need for secrecy had disappeared, seems to have been due to Hastings's absence at Benares for a large part of the time, and to his haphazard methods of doing business. When he returned to Calcutta in 1782, he asked Larkins to authenticate his *Durbar* accounts for his claim to the Wazir's ten *lakhs*; it seems that they discussed the other presents at the same time and that Larkins persuaded him to clear them up as well by cancelling the bonds and by writing the letter of 22 May 1782.²

A study of the allegations in the second half of the presents article suggests that Hastings's conduct is open to criticism on at least three points. In the first place, his revenue administration appears at its worst. Since the burden of the French and Maratha wars was falling exclusively on Bengal, he did everything he could to increase the revenue paid by the large *zamindars*, both by ordering an increased assessment for the year 1781-2 and, as the

¹ *Evidence*, p. 1152.

² Hastings told his counsel: 'On the suggestion of Larkins I resolved to apprise the Court of Directors of the sums received from D[inajpur], P[atna], and N[adia]' (Add. MSS. 29193, f. 93).

evidence in the impeachment showed, by using his personal influence to collect extra payments through expedients which appear to have been harsh and arbitrary and often, as in the case of Bihar and Dinajpur, to have ended in an actual loss of revenue. Secondly, however confident he may have been of the correctness of his judgement, his willingness to finance a foreign policy in defiance of his colleagues by the receipt of presents unknown to them made a mockery of the system of government established by the Regulating Act. Finally, when Hastings had taken the money he accounted for it in a thoroughly slipshod and confused manner, giving himself no check on embezzlement by others, and raising strong suspicions about his own intentions. But, on the existing evidence, these suspicions cannot be confirmed, nor can the main contention of the charge be accepted. If Hastings had intended to keep any of the money, it seems inconceivable that he would not have tried to conceal the receipt of it in England as well as in India.

Indeed, it is doubtful if a Governor-General could have concealed a large present. The crisis of 1775 had done much to implement the intentions of the Regulating Act by showing the advantages, as well as the dangers, of becoming an informer. Although there is nothing to suggest that he ever formally renounced the traditional conventions of the Company's service, it seems that Hastings recognized this and tried to acquire what he considered to be his due reward for a life's work in India with the consent of the Company. In his attempt to obtain the Wazir's ten *lakhs* he showed himself completely ignorant of the hostile scrutiny to which Indian transactions were by now subjected at home. In his dealings with Nobkissen, by an ingenious if unsavoury manœuvre, he managed to do something to bolster up his fortune. But this gain was immediately offset by the costs which Major Scott and others incurred in their fight to keep him in office. It was owing to his earlier 'moderation', his extravagance, and his lack of attention to the routine care of his own affairs, that he retired in 1785 with a fortune of about the same size as that which he had viewed with such displeasure in 1780.

VIII

CONTRACTS

IN the contracts article Hastings was accused of pursuing 'a corrupt and prodigal system of government' by awarding contracts on extremely wasteful terms, by increasing salaries, and by creating unnecessary offices. Five specific examples of criminal extravagance were included in the article: contracts or agencies for opium, for supplying the army and the garrison at Fort William, and for emergency shipments of grain to Madras, together with the increased salary given to the Commander-in-Chief, Sir Eyre Coote. Hastings and his counsel tried to prove that the terms of the contracts had been fair and had served the Company's interest. His defence does not, however, stand up to close examination. Hastings had almost Benthamite views about the desirability of combining the public service with the individual's profit, but even by these standards the interest of the individual appears to have been more or less predominant in all the contracts included in the article.

His conduct can only be explained by an examination of the problems of patronage during his administration. Like many other aspects of the Company's organization, the system of entry and promotion within its service had been subjected to severe strain since Plassey. Men were nominated as writers to a Presidency by the Court of Directors and were promoted on the authority of its Governor and Council. So long as the Directors maintained their control over their Indian administration, this system seems to have worked without serious abuse, and, except for scandals over the sale of writerships, it was to do so again. But when the Court of Directors broke into competing factions intimately linked with servants in India, there were obvious temptations for a Governor to use his patronage in order to increase his support in Leadenhall Street. The beginning of government intervention in the Company's affairs at first only made

matters worse, since prominent servants tried to cultivate the dependants of English politicians as well as those of Directors. As stories of quick fortunes made in the East circulated in Britain, the number of candidates for preferment multiplied. A letter from Francis Sykes illustrates the sort of pressure to which Hastings was subjected from home:

... and then my dear sir, there is a general complaint, that all letters of recommendation from those you have experienced real favors from in this country have been totally neglected, and the utmost attention on the part of General Clavering and Francis to their friends here in that particular. If I have had one complaint of that kind, I have had a hundred, and you must be sensible it cannot but grieve me, when I find they had no return made for their votes given here in your favor. . . . We live in an age that, without some reciprocal return, the wheels of the machine will not move. . . .¹

Francis, in spite of his attacks on Hastings in the name of economical government, held views similar to Sykes:

Our common object was in truth the public good. To obtain it we were compelled to act on party principle. . . . I thought it deserved my attention to gain as many attachments, as promised to be useful. . . . I determined to serve my friends and set my enemies at defiance. . . . A man in station, who pursues any other system deceives himself, and . . . helps his opponents to destroy him.²

Cornwallis depended on the support of Pitt and Dundas for remaining in office, and therefore could afford to make a thorough reform of the Company's service; Hastings depended for most of his administration on the votes of the Court of Proprietors and believed that he could not.

The Governor's patronage was in fact much more limited than was commonly imagined. Since 1774 preferment in the commercial branch had been taken out of his hands and placed under a Board of Trade. In other branches promotion by seniority was enforced either by the Company's orders or by deeply entrenched conventions of the service. Certain offices were tied to the grades of 'factor', 'junior merchant', or 'senior merchant', which depended on length of service,

¹ 15 Dec. 1778, Add. MSS. 29142, f. 167.

² To W. Ellis, 18 Nov. 1777, MS. Eur. F. 5, pp. 219-21.

and within these grades seniority was difficult to circumvent.¹ Other members of the Council also had to be considered, forcing the Governor to divide such freedom of promotion as he possessed or to agree to compromise candidates. These limitations put a premium on forms of patronage, such as posts in Oudh or contracts, which could be given to the shoals of middle-aged, well-connected failures sent to Hastings to recover their fortunes but disqualified by their lack of standing in the service, and indeed of experience or ability, for lucrative offices in Bengal.

Contracts had traditionally been regarded as a source of easy money for favoured individuals, a practice frequently condemned by the Court of Directors and, in 1773, by the Secret Committee of the House of Commons.² Later, as the services required in executing them became more complex, particularly in war-time, contracts became the preserve of the 'houses of agency' which were playing an increasingly important part in the economy of Bengal. During Cornwallis's administration, the houses of agency held the contracts in their own names;³ under Hastings, it appears that while contracts were nominally awarded to individuals whom the government wished to favour, their management was already being delegated to more experienced hands in return for a stipulated income for the holder. For instance, John Fergusson, who was a member of the leading house of agency Fergusson and Fairlie and of other partnerships as well, had an interest in the bullock contract and the rice agency and managed the agency for supplying the King's ships—one of the many avenues to a fortune opened for Stephen Sullivan.

The contractors' profits seem to have arisen partly from the ineffectiveness of the Company's auditing and accounting,⁴ and partly from the deliberate generosity of the Council's

¹ Hastings, in an interesting paper in David Anderson's hand, claimed that 'the whole history of the world affords no example of a service . . . conducted so strictly according to the rule of seniority'. He believed that the 42nd clause of Pitt's India Act, which made promotion depend on seniority, was superfluous (Add. MSS. 29204, ff. 19-22).

² *Reports*, iv. 598.

³ A. Tripathi, *Trade and Finance in the Bengal Presidency 1793-1833* (Calcutta, 1956), pp. 11-13.

⁴ For its deficiencies and attempted reforms see B. B. Misra, *The Central Administration of the East India Company 1773-1834* (Manchester, 1959), pp. 95-100.

terms. In 1770 the Court of Directors had ordered that all contracts should be opened to annual competition by advertisement. The Secret Committee of the House of Commons reported three years later that this order was often disregarded, and noted the 'partiality of the majority of the Council, in accepting terms disadvantageous to the Company, when better were to be obtained, and in making voluntary offers of contracts to individuals, without advertising for proposals at all'.¹ Annual competition was a procedure which was not generally adopted by the British Treasury in comparable cases,² and Hastings argued, with some justice, that as the capital outlay required to perform the more important of the Company's contracts increased it would have been impossible to obtain contractors on these terms. But an examination of the contracts charged against him shows that competition of any sort tended to be eliminated, and that in private agreements between the government and potential contractors the Company's interest went to the wall. Contractors tried to defend their terms on the grounds of the great risks which they ran in executing the contracts. While the risks, particularly in war-time, were certainly real enough, such evidence as is available suggests that the contractors survived them with a very healthy margin of profit.

THE OPIUM CONTRACT

In establishing an opium monopoly for the Company, Hastings made a lasting contribution to the finances of the Bengal government.³ But, in addition to the profit of £1,277,000⁴ which it brought to the Company in its first seventeen years, the opium also provided enormous and well-authenticated profits for those who contracted to produce it, and it became one of the most valuable concessions at the disposal of the Supreme Council.

Opium was made in Oudh, Benares, some of the northern districts of Bengal, and, above all, in Bihar. The seed was

¹ *Reports*, iv. 598.

² J. E. D. Binney, *British Public Finance and Administration 1774-92* (Oxford, 1958), p. 177.

³ The Company's opium policy is studied in H. R. C. Wright, *East-Indian Economic Problems in the Age of Cornwallis and Raffles* (1961), chap. 2.

⁴ *Evidence*, p. 2253.

planted in October or November by cultivators who received advances at an agreed customary rate from the contractor,¹ the contractor at the same time receiving an advance of half his stipulated price from the Company. Moist opium from the seed of the grown poppy was delivered to the contractor by May of the next year, to be dried for about six months before being sent in chests to Calcutta for the Company's auctions.² The greater part of the Company's opium was bought by private merchants for the 'country trade' to China, Malaya, and the Dutch East Indies. Monopolies in the hands of Company servants had been strongly condemned by the Court of Directors and by parliament as leading to price—fixing and oppression of the cultivators.³ Both Francis, who advocated free cultivation of the poppy and a 30 per cent. export duty on opium,⁴ and Burke used similar arguments against any monopoly held officially by the Company. But the importance of the opium trade in the economy of the Company ensured the survival of the monopoly. Opium, described by Hastings as the 'usual' remittance to China,⁵ was practically the only commodity that could be exported direct from Bengal to Canton to provide the Company's supercargoes with funds to purchase tea. Successive Bengal governments argued that if the monopoly were abolished the trade would be glutted, and added that the Company's administration could protect the cultivators from abuses by the contractors.

Before the Company established its own monopoly, the sale of opium had been effectively monopolized by its servants at Patna, who regarded opium as 'one of the principal emoluments of the factory'.⁶ In 1773 an Indian agent was appointed on the Company's behalf; but it is clear that he was also the agent of the Patna servants,⁷ thus of course

¹ Henchman's evidence, 9th Report, Select Committee, *Reports*, vi. 271.

² J. Benn to S. Sullivan, n.d., MS. Eur. E. 9, no. 69, and Patna P.C. to G.G. & C. 27 Mar. 1775, B.R.C., R. 49, vol. 52, pp. 528-34.

³ Adam Smith drew attention to the evil effects of an opium monopoly operated by the Company's servants in the *Wealth of Nations*, ed. E. Cannan (6th ed., 1950), ii. 135.

⁴ To North, 18 Mar. 1776, MS. Eur. E. 13, pp. 508-18.

⁵ 'Memoirs Relative to the State of India', Forrest, ed., *State Papers* . . . Warren Hastings, ii. 17.

⁶ G. Vansittart to Hastings, 11 Dec. 1772, Bodl. dep. b. 103, f. 7.

⁷ Vansittart to R. Palk, 29 Oct. 1774, and to E. Stephenson, 23 May 1775, Bodl.

making a mockery of any claim that the Company, through its local representatives, was impartial in disputes between the contractor and the cultivators. In 1775 the new Supreme Council decided to advertise for proposals and to appoint separate contractors for Bihar and Bengal. The lowest proposals offered were accepted unanimously and were renewed in 1776. By 1777 the Supreme Council were beginning to pay more attention to the opium contract as a piece of patronage. The Bengal and Bihar contracts were combined and given, without advertisement, to John Mackenzie. The choice of Mackenzie appears to have been a compromise between the two groups on the Council. He was a protégé of Alexander Wedderburn (later Lord Loughborough), the Solicitor-General, who since his defence of Clive had been associated with the Clive interest in Company politics and was Francis's most consistent champion in England. When Mackenzie arrived in India, Francis promised that 'as he professes to run the same fortune with me, he shall share as many of the advantages of it, as I can procure for him'.¹ He was not opposed by Hastings, who, anxious as always to cultivate prominent political figures, was also willing to advance Mackenzie's career.² Although the contract ran in Mackenzie's name for three years, it was in fact held by a partnership, which, in spite of all prohibitions, included members of the Patna Provincial Council—the most obvious agents for an inexperienced contractor to employ.³ It was revealed in the House of Commons in 1787 that Francis's friend Richard Tilghman also had a stake in the contract worth Rs.25,000.⁴

By the time Francis had left India and the awarding of the contract had passed to Hastings and Wheler, a fugitive had

dep. b. 103, ff. 40 and 47. From these letters it seems that the Patna Council did not restrict themselves to the concession granted to them of recovering advances made before the Company assumed the monopoly (*Evidence*, p. 1304).

¹ To Wedderburn, 7 Aug. 1776, MS. Eur. E. 13, p. 587.

² Same to same, 4 Sept. 1777, MS. Eur. F. 5, p. 76.

³ 'By some agreement with Mackenzie, the Chief and Provincial Council . . . became the monopolists and sole traders in opium' (Impey to Thurlow, 3 Mar. 1780, Add. MSS. 16529, f. 363). Clavering discovered that two of the Council held shares in the contract and forced Mackenzie to buy them out at Rs.30,000 each (W. Maxwell to Anderson, 18 and 25 July 1777, Add. MSS. 45427, ff. 16-19).

⁴ *Parl. Hist.* xxvi. 731.

arrived in Bengal who had the strongest possible claims on Hastings's liberality. Stephen Sullivan,¹ frustrated in all his plans at Madras, presented himself at Fort William in September 1780. Hastings promptly promised him a loan of £10,000 for his father and made him Judge-Advocate General, an office which Laurence Sullivan believed was worth £3,000 a year.² In October Stephen raised the subject of the opium contract. In a letter to Hastings he explained that if the contract was awarded to him he would subcontract it to John Benn, the assistant to the Resident at Benares,³ who intended to form a partnership with William Young, the former chief of the Provincial Council at Patna. Benn was willing to offer Sullivan a *lakh* of rupees a year for the contract and still anticipated that he and Young 'will draw a surplus afterwards which will enable him to stand all risques, accidents of boats etc.'⁴ Sullivan was duly appointed contractor for four years in March 1781. He held the contract on the same terms as Mackenzie, with certain concessions in his favour. In particular, the Company's inspector at Patna, intended to be a check on adulteration in the manufacture of the opium, was withdrawn.⁵ Benn took over the management of the contract as he had proposed, paying Sullivan SRs. 350,000, approximately £40,000, over the next four years.⁶ Benn told the House of Lords that he had at first planned to live at Patna and to produce a large surplus of opium above the contracted amount at a cheap rate, but had decided later to remain at Benares, and so had sold the management to William Young.⁷ William Young had spent five years on the Patna Council and was, no doubt, well versed in the production of Bihar opium. He paid Benn SRs. 150,000 a year for it and retained the contract until 1785.⁸

The Managers' case that Hastings had given the contract to Sullivan on terms which showed no regard for the

¹ See above, p. 11.

² L. Sullivan to his son, 28 Feb. 1784, Bodl. MS. Eng. Hist. b. 190, f. 30.

³ Benn (1759-1825), later 1st Bart. had been sent to India in 1778 with strong recommendations from John Robinson, the Secretary to the Treasury.

⁴ N.d., Add. MSS. 29194, f. 114.

⁵ *Evidence*, p. 1315.

⁶ *Evidence* (Benn), pp. 1316-17.

⁷ *Ibid.*, pp. 1318-19.

⁸ *Evidence* (Young), pp. 1324 seq. Young (d. 1824) was a natural son of the 5th Lord Elibank (A. C. Murray, *The Five Sons of 'Bare Betty'* (1936), pp. 159-204).

Company's interest is unanswerable. The relationship between Sullivan, Young, and Benn was probably not as clear-cut as they tried to represent, but even on their own confession they were making about £29,000 a year out of the contract before Young took his profits, which were certainly not small; in 1785 he remitted three *lakhs* to England through the Dutch East India Company.¹ Hastings claimed in his Defence that he did not know about the sub-contracting, which was palpably untrue. Sullivan had unfolded his plans to him before he was awarded the contract, and Young wrote on going to Patna in July 1781 that Hastings had given him 'every assurance of support in the business I had engaged in'.² The story of the selling and the re-selling of the contract was widely known in Calcutta and was repeated to the Select Committee of the House of Commons in 1783,³ so that any attempt at concealment during the impeachment would have been pointless.

The terms of the contract, which had remained unaltered since 1775, obviously bore no relation to its real value in 1781. When the contract was again opened to competition by advertisement in 1785, it became apparent that the Company had been contracting for too little opium at too high a price. Whereas Sullivan had been required to produce 1,880 chests of Bihar opium, for which he was paid Rs. 190 per chest, the Council accepted an offer from Young in 1785 of 3,200 chests at Rs. 125 a chest. Much of the opium produced in excess of Sullivan's contract was sold to the Company at a premium of Rs. 50 a chest⁴ or in authorized dealings with the foreign companies, but there is some evidence to suggest that the contractors also traded on their own account against the monopoly.⁵ Reliable estimates of how much the opium cost are hard to obtain. Statements of costs provided in public, particularly in the House of Lords, naturally put them as high as possible, sometimes implying that the

¹ H. Furber, *John Company at Work* (Cambridge, Mass., 2nd printing, 1951), p. 101.

² To Anderson, 19 July 1781, Add. MSS. 45434, f. 225.

³ Higginson's evidence, 9th Report, Select Committee, *Reports*, vi. 294.

⁴ The Company bought a yearly average of 1,309 surplus chests from 1778 to 1782. H. Misc. ccix. 148.

⁵ H. Fix of the Danish company to Benn, 30 Mar. 1782, MS. Eur. F. 3, no. 27.

contractor made no profit at all.¹ More realistic estimates suggested that 'real good opium' could be produced for Rs. 120 a chest, a figure which could be substantially reduced by resorting, as all contractors were alleged to do, to adding dust to the dried opium.² It seems probable that even in 1775 the cost of the opium made up a limited part of the bids submitted by would-be contractors, who felt themselves entitled to a large margin for risks from bad seasons, absconding cultivators, and for purchasing 'the goodwill' of the Patna Council.³ The margin for risk eventually turned out to be margin for profit; a state of affairs connived at by the government until 1785.

The Managers concluded their accusations about the opium monopoly by condemning the Bengal government's attempt to ship two cargoes to China on their own account. In the early part of 1781 the Company's agents reported that 'considering the state of the market to the eastward and the high rate of insurance from the great risk of the sea' due to French and Dutch privateering activity, they were unable to dispose of opium in Calcutta at anything approaching the price of previous years.⁴ The Council decided that they would not sell below Rs. 400 a chest, and, to ensure that a remittance was made to Canton, planned to export the opium themselves. They accepted offers of the *Betsy* and the Calcutta-built *Nonsuch*, which were loaded with 1,490 and 1,601 chests respectively. Subscriptions of ten *lakhs* for bills on London were invited for both ships.⁵ The *Betsy*, ordered to sell her opium in the Straits of Malacca and to buy tin and pepper for Canton, was captured by a French privateer

¹ In 1775 the Patna Council estimated that opium cost the contractor Rs. 180 to Rs. 220 per chest (B.R.C., R. 49, vol. 52, p. 530). Young and Ewan Law put the cost at 'about 200 rupees a chest' (*Evidence*, pp. 1325 and 2231).

² This information was supplied by Thomas Law, who had served for a long period at Patna, to Francis Russell, the Board of Control's solicitor (Add. MSS. 34468, ff. 289-90).

³ T. to J. Graham, 27 Aug. 1775, Kinross House MSS. 2131/1.

⁴ Superintendent of Khalsa Records to G.G. & C. 16 Jan. 1781, B.R.C., R. 50, vol. 30, p. 407.

⁵ Stephen Sullivan's letters from his father (28 Feb. and 20 Nov. 1784, Bodl. MS. Eng. Hist. b. 190, ff. 30 and 34) show that he had £10,000 invested in the *Nonsuch*, although his name does not appear on the list of subscribers.

before the main part of her cargo had been sold. The *Non-such* reached Canton, where the sale of her opium, 'being a business altogether new to us' and 'strongly prohibited' by the Chinese authorities, caused the supercargoes considerable perturbation. They claimed that the *Nonsuch* had arrived after other ships had brought the price down, and eventually disposed of the opium at Macao for \$210 per chest;¹ a performance which did them little credit since the captain sold his owner's share for \$340 (less bribes for the 'Mandarins').² The final loss on both the ships was about £14,000.³

The Directors condemned the attempt for losing money, and, even though the prohibition on sales of opium in Canton was known to operate spasmodically and ineffectively, for compromising the position of their supercargoes. The Managers attacked Hastings on both these grounds, but little was said at the trial about the ethics of trading in opium.

THE ARMY CONTRACT

The contract for victualling the Company's troops and for supplying the army's enormous trains of bullocks was a well-established plum. Little profit, according to Clive, came from feeding the troops, but the bullocks provided 'handsome fortunes made by five different contractors in as many years'.⁴ The correspondence of the contractor's agent in 1775 gives some indication of the rate at which such a fortune could be made. He reported profits for three months of CRs.43,901, but felt that they should have been 'half a lack',⁵ approximately £5,000.

Hastings was accused of giving the contract to Alexander Johnson for three years in 1777 without advertising; of increasing the number of bullocks to be provided and the rate to be paid for them on an extravagant scale in giving the contract for five years, again without advertising, to Charles

¹ For account of the voyages, see *Evidence*, pp. 1332-8, also H. B. Morse, *Chronicles of the East India Company trading to China*, II (Oxford, 1926), chap. 37.

² *P.R.H.* II. 678-9.

³ The costs of the ships and their cargoes were about £115,000; the sale of the opium realized £101,443 (*Evidence*, pp. 1454 and 2253).

⁴ 9th Report, Secret Committee, 1773, *Reports*, IV. 551.

⁵ J. Pagan to G. Graham, 21 Nov. 1775, Kinross House MSS. 2060/1.

Croftes on Johnson's death in 1779; and finally, in defiance of the Directors' instructions, of converting the contract to an agency for Sir Charles Blunt in 1784.

The terms of Johnson's contract were condemned by Francis, but it seems that through his brother Richard (later the Deputy Resident at Lucknow) he was in fact *persona grata* to both parties in the Supreme Council.¹ Croftes,² on the other hand, was entirely a dependant of Hastings. In 1785, when 'perseverance in ruinous enterprises' had 'reduced a very handsome fortune to almost nothing', Croftes admitted that 'had I, my dear sir, accumulated all the advantages you put in my way I might have been a rich man indeed'.³ In 1780 Croftes's contract passed under the name of John Fergusson. But the change was one of name only; the contract remained in substantially the same hands from 1777 to 1784, since Richard Johnson, Croftes, and Fergusson were partners in the same house of agency. Sir Charles Blunt, the agent appointed in 1784, continued to employ Fergusson in managing the agency. Blunt was another protégé of Hastings, who had come to India to avoid his creditors and to provide for his eight daughters and three sons.⁴

The accusations of extravagance in the terms of the contracts seem to be well founded. In 1779 Hastings drew up a new establishment, from proposals submitted by Sir Eyre Coote, placing the bullock trains for the entire army on a war footing. Francis, who wrote: 'The whole system of contracting for bullocks, even as it stood before this innovation, was a monstrous deception and abuse; but this last act is without example, even in Bengal',⁵ pointed out that the Company was contracting for more bullocks than it could conceivably need at a greatly inflated price. By the new contract the Company was bound to hire 6,700 bullocks,

¹ See his letter to his brother, 26 Oct. 1776, R. MS. Eng. 191, no. 16. Johnson was not in the Company's service. He had been contractor 1775 to Jan. 1777.

² Croftes (d. 1786) was Sub-Treasurer, Accountant General to the Revenue Department, and a member of the Committee of Revenue of 1781. According to Barwell, Croftes had 'friends who have some weight' in the Company (to his sister, — Dec. 1776, *Bengal Past and Present*, xvi (1918), 82).

³ 1 Aug. 1785, Add. MSS. 29168, ff. 367-8.

⁴ Scott to Mrs. Hastings, 23 Feb. 1783, Add. MSS. 29158, f. 230. Blunt (1731-1802) was the 3rd Bart.

⁵ To North, 13 Nov. 1779, MS. Eur. E. 17, p. 228.

whereas under the old contract the number had been variable—3,053 actually being employed in 1779. The stipulated quantity was easily exceeded at the height of the war, but its continuation for five years, even with a reduction in 1783, is hard to justify; in the first year of the agency the number was reduced to 3,171.¹ Under the old contract the cost of the bullocks had varied between SRs.2.9 and SRs.5, according to the type of service they were required to undertake. In 1779 Coote proposed that a uniform active service rate of SRs.8.12 should be paid throughout the army. This rate remained in force until 1784, when the agent agreed to accept a peace-time rate that was not to exceed Rs.4.6, except when famine put up the price of fodder, and a commission of 17 per cent.²

If the contract on its pre-1779 terms made 'handsome fortunes' for its holders, and if the agency 'more than answered' Blunt's expectations,³ the profits on the greatly increased establishments at the very high rates paid between 1779 and 1784 must have been prodigious. During this period the contractor was of course faced with the heavy costs of maintaining bullocks on the expeditions to Madras and Gujarat, but a large part of the army still remained comparatively stationary in Oudh and Bengal. There is no satisfactory evidence about Croftes's or Fergusson's profits. In 1784, when the government was obliged to buy him out in order to set up the agency, Fergusson put them at SRs.15,000, about £1,750, a month⁴—a figure which he no doubt thought would ensure adequate compensation without arousing the indignation of the Court of Directors. Even without conclusive evidence, it seems unlikely that Croftes went bankrupt through any fault of Hastings.

THE AGENCY FOR VICTUALLING THE GARRISON AT FORT WILLIAM

In November 1776 the Supreme Council decided to increase the emergency reserves of stores kept in Fort William

¹ Add. MSS. 29169, f. 200.

² For details of the contracts, see *Evidence*, pp. 1341-89, and 9th Report, Select Committee, App. 119, *Reports*, vi. 437-66.

³ Blunt to Hastings, 30 July 1785, Add. MSS. 29168, f. 364.

⁴ *Evidence*, p. 1381.

in order to maintain a garrison in the event of a siege. The stores were to be provided by an agent, who was to receive advances from the Company at the 'current bazaar rate', was to be responsible for seeing that the perishable items were frequently replenished, and, for his losses in making such changes, was to be paid a commission. The choice of the agent and the fixing of his rate of commission turned what had been a routine defensive measure into a bitter wrangle over patronage. Hastings's nomination of his private secretary, John Belli,¹ with a commission of 30 per cent. was strongly condemned by Clavering. His protests produced an order from the Court of Directors that Belli's commission should be reduced to 20 per cent.² Hastings interpreted this order as a desire that Belli should make a profit of 20 per cent., and, after quoting figures supplied by Belli himself to show that he was not making such a profit, refused to reduce the commission.³ To save Belli 'from future oppression' in the event of Francis's succeeding to the government, he awarded him a five-year contract on the same terms in 1779.⁴

Hastings appears once again to have combined emergency measures with profits for his dependants. Belli admitted that the stores could be obtained outside Calcutta well below the 'current bazaar' price of his advances, and that this had enabled him to make an 'apparent' profit of CRs. 152,290, over £15,000, on his first three years as agent.⁵

THE RICE AGENCY

In June 1780 Haidar Ali broke into the Carnatic, threatening Madras with eventual starvation when his troops overran or sealed off the rice-growing areas of the southern Carnatic. The government of the Presidency, left almost entirely dependent on supplies imported by sea, appealed to Bengal for

¹ Belli had been mate on an East Indiaman and had served in the Madras army. He did not enter the Company's service until 1779. At one time he was also Postmaster-General with a salary of £2,000 and a commission of £1,200. It would seem that he had been connected with Sir George Colebrooke's disastrous alum speculations (see reference to Belli and Fonnereau of Leghorn, L. S. Sutherland, 'Sir George Colebrooke's World Corner in Alum', *Economic History*, iii (1936), 248).

² *Evidence*, pp. 1437-8.

⁴ *Ibid.*, p. 1447.

³ *Ibid.*, p. 1442.

⁵ *Ibid.*, p. 1440.

large shipments of rice before the 1781 monsoon broke, and repeated their appeals in 1782 and 1783. The Supreme Council responded by setting up an agency for 'supplies to the other Presidencies' in December 1780, and chose J. P. Auriol, their secretary to the General Department since 1775, as agent.¹ The agency was a realistic attempt to solve a serious problem, and produced good results. But Hastings's concern for the interests of the agent was again evident, and some of the terms of the agency were certainly calculated primarily for his benefit.

The shipment of the supplies was a costly operation. While the price of rice in Bengal, except for a brief period of shortage, remained constant from 1780 to 1783, with the government competing for all available shipping and with the threat of French ships in the Bay of Bengal, the cost of freight soared.² Auriol's prices reflected this sharp rise, but they seem to have been as low as the Company could have obtained. In spite of different methods of calculation, some comparison on the rates charged on a two-*maund* bag can be made between him and his competitors. The enterprise of individual merchants was never likely to deliver an adequate quantity, and the price offered to them was considerably higher than Auriol's.³ A policy of separate contracts for single consignments might have produced lower prices on occasions, but the evidence of a contract made by the Madras government in 1782, and of offers received when the agency was wound up in April 1783, suggest that the gain, if any, would have been small.⁴ Anyone who had cargo space to sell must have made large, if hazardous, profits out of the Madras trade during the war. Taking the implication in his official correspondence that he himself had no interest in shipping at its face value, it seems that Auriol drove as hard a bargain for freight on the Company's behalf as the conditions allowed.

Auriol's success in keeping down his prices is the more notable since for the first year of his agency he was being

¹ *Evidence*, pp. 1403-4.

² *Evidence* (Auriol), p. 2308.

³ The Madras government was offering CRs.11.1.9 when Auriol was charging CRs.8.15.6.

⁴ The lowest offer in 1783 was only two *pice* below the average price of Auriol's last eight months as agent (*P.R.H.* ii. 737 and 749).

paid a commission of 15 per cent. on costs as well as on purchases. He admitted that this was high, amounting on his reckoning to about £18,000,¹ but he argued that he had incurred expenses on which he had not charged a commission, and that, owing to the delay in the issue of his advances, he had been forced to borrow. The first claim, judging by the auditor's comments on his accounts, seems dubious;² the second is true. But, even if these arguments had some force, Auriol also recognized that his commission was intended as a 'reward for my long and laborious services' as secretary 'which hitherto had been wholly unprofitable to me, as my income fell greatly short of my necessary expences'.³ On 25 March 1782, on the initiative of John Macpherson, his commission on costs was reduced to 5 per cent., with an allowance for the current rate of interest on arrears in his advances.⁴ On these terms the Company was probably well served.

SIR EYRE COOTE'S SALARY

Eyre Coote, a soldier with an extremely distinguished record but with a reputation both for acquisitiveness⁵ and for being a fractious colleague, was nominated as Commander-in-Chief with a seat in Council, and arrived in Calcutta in 1779. His coming threatened to cause a complete upheaval in the Supreme Council, where Hastings with the support of Barwell had been able to use his casting vote to overcome the opposition of Francis and Wheler. Francis, fortified by reports from his correspondents that Hastings's recall and his own succession were imminent, was confident that Coote would be under orders to support him. But Hastings was not without hope either. He had heard that Coote wanted to steer clear of political entanglements and that, if he were given a free hand over the army, he might be induced to observe neutrality in Calcutta and eventually to go up-country, leaving the Council as he found it.⁶ As soon as

¹ *Evidence*, p. 2305.

² *P.R.H.* ii. 757-9.

³ *Ibid.* ii. 718.

⁴ *Ibid.* ii. 725-6.

⁵ He had already made a large fortune in India; see his will, P.C.C., 'Rockingham', f. 67.

⁶ Sir J. Cumming to Hastings, 18 Dec. 1777, Add. MSS. 29139, f. 450.

Coote arrived, Hastings opened negotiations with him. Francis heard that 'offers . . . are to be made to him, great enough to stagger the virtue of an Apostle. But about his conduct, I have not the smallest doubt or apprehension. Hastings will be foiled in this pretty scheme, as he is in everything he attempts.'¹ His confidence was, however, misplaced. At his first appearance at the Council, Coote professed 'neutrality, and no retrospect',² and four days later it became apparent that the favours had not all been on one side. The Company awarded Coote a salary of £10,000 as councillor and £6,000 as Commander-in-Chief, but he immediately claimed additional allowances, beginning with those of the acting Commander-in-Chief. Hastings met him more than half-way, proposing that he should be paid Sonaut Rs.7,500 a month for 'table' expenses and Sonaut Rs.6,326 for a 'field' establishment. 'The field' was defined as 'absent from the Presidency', so Coote had an inducement of over £18,000 a year to stay away from the Council.³ Other points, such as certain promotions and military arrangements and an old claim to a house, were adjusted in his favour.⁴ Coote can hardly have been surprised if the worst possible interpretation was put on his motives, but it can be said in his defence that he would probably have tried to maintain his neutrality even without any considerations of personal gain, and he certainly did not regard himself as being bound to Hastings in return; frequent reports that he was about to go into opposition were to cause Hastings acute anxiety until Francis left India.

When Coote left Calcutta in September 1779 for a tour of the Company's troops in Oudh, Hastings ordered that his field allowances should be charged to the Wazir, and received the apparently ironical answer that the Wazir would 'of his own accord have supplied the General with everything necessary'.⁵ Asaf-ud-daula's generosity, voluntary or involuntary, was to be sorely tried; Coote became a charge on him until his death in 1783, whether he was in Oudh or not.⁶

¹ To Godfrey, 16 Feb. 1779, MS. Eur. E. 16, p. 635.

² Francis to D'Oyley, 4 Apr. 1779, *ibid.*, p. 732.

³ *Evidence*, pp. 1391-4.

⁴ Listed by Francis, 18 Nov. 1779, MS. Eur. E. 17, pp. 141-5.

⁵ Asaf-ud-daula to C. Purling, n.d., Add. MSS. 29123, f. 64.

⁶ The existence of these payments came to light when John Bristow quoted a

These payments, which were never brought on to the Company's books, enabled Hastings to evade the orders of the Court of Directors, sent out in 1780, that Coote's allowances should be 'discontinued immediately'.¹

Hastings did not attempt to make any real defence to the accusations that he had in the first place misapplied the Company's money, and later added to the Wazir's accumulating debt, to secure the allegiance of Coote. His motives were, as Sullivan assured him, 'well understood'.² To some extent he was the victim of ministerial indecision at home; unwilling to face a head-on collision with his allies by trying to recall him, the government was not yet reconciled to retaining him in office and therefore did not instruct Coote to support him. Deprived of orthodox means of making his administration effective, it is not perhaps altogether surprising that Hastings should have resorted to devious ones.

letter from Coote's attorneys asking him to collect the money from the Wazir (*Evidence*, p. 1401). For the remittance of the money while Middleton was Resident see R. MS. Eng. 190, f. 23.

¹ *Evidence*, p. 1398. In 1782 the Court passed a resolution calling on Coote to refund all the additional allowances which he had received, but Sullivan was able to persuade the government to advise against its being sent to India (to Hastings, 28 Jan. 1782, Add. MSS. 29152, f. 507).

² 23 Oct. 1780, Add. MSS. 29146, f. 175.

CONCLUSION

IN his opening speech, Burke told the Lords that their judgement on a 'connected system of maxims and principles' would determine the 'whole rule, tenure, tendency and character, of our future government in India'.¹ But, although the trial of a man who had governed India for thirteen years appears on the surface to have been one of the most spectacular crises of conscience through which an imperial power has ever passed, it is not easy to detect fundamental differences between Hastings and his accusers on the aims and methods of British rule in India, and the view that its future course was significantly influenced by the impeachment can only be accepted with considerable reservations. The policy which the Company's government was to follow until the first decade of the nineteenth century had been laid down by Pitt's India Act and by Cornwallis's reforms, before the impeachment began. Furthermore, the practical achievements of Hastings and the recommendations of Burke and Francis had both contributed to this policy, and both claimed the credit for it. Major Scott published a pamphlet in 1791 to show that Cornwallis's government was a continuation, in nearly every respect, of Hastings's,² and Francis claimed in 1792 that many of his plans for the 'better government of Bengal' had been adopted in recent years without acknowledgement to him.³

Controversy about Indian policy was a frequent occurrence in the eighteenth century, yet in these controversies the underlying similarities are often as obvious as the surface differences. This seems to be true both of the polemics exchanged by Hastings and Francis and of the cases put forward by the prosecution and the defence at the impeachment. The great issues which divided opinion in the early nineteenth century—the problems of whether the British should try to change Indian society by introducing new legal systems, by education, and by missionary activity, and whether

¹ *Bond*, i. 3.

² *A Letter from Major Scott to Philip Francis, Esq.* (1791).

³ *Parl. Hist.* xxix. 1546.

they should seek to extend their control by annexation—were largely ignored. It was almost universally assumed that the Company should limit its commitments to the minimum which would enable it to carry on its commercial activities and to remit its surplus revenue. Nearly all men who wrote about India agreed that the Company's provinces had enjoyed great prosperity at the height of the Mughal occupation and that their recovery would be achieved by restoring what was thought to be a traditional pattern of society and by using traditional methods of government. To attempt to change Indians was dismissed as impractical and, by many, as tyrannical. Eighteenth-century Englishmen were not inclined to be hypercritical about the common law, but allegedly indiscriminate application of it by the Supreme Court was condemned by the Select Committee and Company servants alike. Charles Grant was very much an exception in advocating the spread of European culture and the Christian religion as early as 1792.¹ Most others seem to have accepted a vulgarized version of Montesquieu's doctrine that the way in which a society was ruled should be adapted to its physical environment and to the customs and traditions of its people.

Burke was in complete agreement with this view. He told the House of Lords that Indians must be governed by 'some mode of justice . . . correspondent with their religion, correspondent with their manners, or else you refuse to govern them at all'.² He believed that the British should imitate the Mughals, who, he thought, had ruled Bengal without disturbing the way of life of the Hindu population. So long as local authority was given to the *zamindars*, the natural rulers of the country, rather than to the agents of the Europeans, such as Ganga Gobinda Sinha and Devi Singh, it should remain in Indian hands.

Hastings shared both Burke's respect for Indian culture, as he showed in his deservedly famous introduction to the *Gita* and in his opposition to the spread of missions,³ and also his belief that the Company's government should

¹ A. T. Embree, *Charles Grant and British Rule in India* (1963), pp. 141-57.

² Minutes, 27 May 1789, Add. MSS. 24230, f. 232.

³ See an undated fragment complaining that missionaries deliberately misrepresented the character of Indians (Add. MSS. 29232, f. 235).

conform as closely as possible to Indian models. In his attack on the 'double government' of his predecessors, he wished to assert the Company's responsibility and control over every part of the administration of Bengal, and he succeeded in eliminating most of what remained of the Nawab's authority. But if the Company was to exercise full control over the government of Bengal, Hastings did not intend it to use methods 'which the original constitution of the Mogul Empire hath not before established and adopted and thereby rendered familiar to the people'.¹ His new courts were to use traditional Hindu and Muslim law. He too expressed a preference, which he did not always follow, for leaving local administration in Indian hands. His view of the functions of government in India as 'nothing but attention, protection, and forbearance'² was hardly more dynamic than Burke's.

The strict avoidance of any expansion in the territory under the Company's control was a necessary corollary to a limited view of its functions in Bengal. The boundaries fixed by Clive in the treaty of Allahabad of 1765 were, for no very good reason, accepted as the natural limits to the Company's expansion.³ Burke and Hastings were in substantial agreement on the need to avoid further conquest. In 1777 Hastings wrote that 'an extension of territory beyond certain bounds . . . , must in the course of time prove fatal' to the 'authority' of the Company.⁴ 'Had I been allowed the means which I required,' he stated at the end of his career, 'I should have sought no accession of territory.'⁵ Benares, the only major addition to the Company's provinces during his administration, was acquired by the majority. Hastings may have been opposed to territorial expansion, but in his more sanguine moments he hoped 'to extend the influence of the British nation to every part of India not too remote from their possessions . . .'.⁶ His method of obtaining

¹ M. E. Monckton Jones, *Warren Hastings in Bengal 1772-4* (Oxford, 1918), p. 151.

² 'Memoirs Relative to the State of India', Forrest, ed., *State Papers . . . Warren Hastings*, ii. 67.

³ The House of Commons praised the 'wisdom and policy' and the 'justice and moderation' of the treaty in 1782 (*C.Js.* xxxviii. 1028).

⁴ To A. Elliot, 10 Feb. 1777, *Gleig*, ii. 143.

⁵ 'Memoirs Relative to the State of India', Forrest, ed., *State Papers . . . Warren Hastings*, ii. 64.

⁶ To A. Elliot, 12 Jan. 1777, *Gleig*, ii. 136.

influence was usually to conclude a subsidiary treaty whereby an Indian ruler undertook to maintain a force of the Company's troops for his own and the Company's defence. In theory, a subsidiary alliance left the ruler completely independent; in practice, it was often the first step to ultimate annexation.

While Burke and Hastings agreed that the Company's government ought to follow Indian precedents as closely as possible, they were not agreed on what these precedents were. The Company's servants had been unable to produce any definitive picture of Mughal government, and ignorance gave rise to controversy—particularly on the vexed question of the status of a *zamindar*.¹ Burke, who considered that Indian society resembled European society with 'property moveable and immoveable, descendable property as well as occasional property, and property held for life',² took an extreme position in these controversies. He believed that Hastings was at the other extreme in denying the existence of any legal rights before an omnipotent government, and that the conflict between despotism and the security of the subject was the central issue of the impeachment. Although the Defence to the Benares charge, apparently written by Nathaniel Halhed, included the statement that the 'whole history of Asia is nothing more than precedents to prove the invariable exercise of arbitrary power'³ (a claim which Hastings's counsel later tried to substantiate), Burke, as Francis had done before him, distorted Hastings's views. Hastings denied the historic right to proprietorship of the *zamindars* and was cautious in his approach to a general settlement with them. But ultimately he believed such a settlement to be desirable;⁴ and its enactment by Cornwallis, as the creation of new rights rather than the restoration of old ones, was not a contradiction of his revenue policy.

The assumptions that the Company ought to limit both the territory under their control and their commitments within their provinces were not seriously challenged before

¹ See above, pp. 91-92.

² *Bond*, iv. 362.

³ *C.J.s.* xli. 696.

⁴ 'I shall hope', he wrote in 1777, 'to form an *equal*, and a *moderate*, and a *perpetual* settlement with the zemindars, where they are capable and with others where they are not' (to Sykes, 27 Mar., Add. MSS. 29128, f. 53).

the arrival in India of Wellesley. In stating these maxims in their charges against Hastings, the Managers were not establishing new principles but were repeating old dogmas. There was, however, an immense difference between what most men thought ought to be the aims of the Company in India and its actual record. The impeachment did little to close the gap between theory and practice. It is misleading to describe Hastings as pursuing a forward policy which was checked by the reaction to him and replaced by a policy of passivity under Lord Cornwallis and Sir John Shore. The growth of the Company's stake in India was a more or less continuous process. Neither Cornwallis nor Shore could avoid assuming fresh responsibilities in Bengal, bringing Oudh and Benares under closer control, or fighting wars. As Hastings's defenders frequently pointed out, even if he had been convicted on the Benares charge, it was inconceivable that Chait Singh would be restored or that the Rajas of Benares would recover their autonomy. In fact Benares was virtually absorbed into the Company's provinces, and in 1797, in spite of the perilous precedent of Chait Singh, an 'aid' was taken from the Raja of Benares in time of war¹. In the Begams charge and in the string of articles called 'Misdemeanors in Oude', Hastings was accused of interfering in the internal affairs of Oudh and of subjecting the Nawab Wazir to his will. In spite of the efforts of Hastings on his journey to Lucknow in 1784, or of Cornwallis, to limit British intervention, the freedom of action of the Wazir continued to decline. In 1798 Shore altered the succession, increased the Company's subsidy, and garrisoned Allahabad.² In 1794 the Company's troops fought in another Rohilla war. The most that can be claimed for the effects of the impeachment is that Hastings was replaced by men who were not willing, as Hastings undoubtedly had been, to waive their principles on occasions and to indulge in military adventure and administrative experiment: but consciously or unconsciously, the rate of the Company's expansion was not noticeably different.

In the charges which concerned Hastings's financial integrity there was a rather more clear-cut conflict of standards

¹ Shore to Directors, 15 Sept. 1797, Bengal Letters Rec'd, xxxvii.

² P. Basu, *Oudh and the East India Company 1785-1801* (Lucknow, 1943).

between the accused and the accusers than in the political charges. It was Hastings's misfortune that his career spanned a period in which standards in public life were rapidly changing: whereas Lord North let it be known that he considered that Hastings was entitled to retire with a fortune of £200,000,¹ Pitt felt that any man who was saving more than £2,000 out of his salary after five years in India was open to suspicion.² The regulations limiting trade, forbidding presents, and defining the terms on which contracts should be awarded had been in existence since the 1760's, but their vigorous enforcement by Cornwallis was in the spirit of the reforms being recommended by the Commission for Examining the Public Accounts and the movement for 'Economical' reform. Hastings's attitude to private profits remained that of an earlier generation of Company servants. 'Remember', he wrote, 'that though I made a number of chops and changes, I never called myself a reformer, nor lamented that all men were not as virtuous and disinterested as myself.'³ He recognized that some Company servants had 'recourse to perquisites, that is to every species of fraud, corruption, embezzlement and oppression . . .', but he hoped to eliminate such practices by providing adequate official salaries.⁴ Although Hastings had some success in adjusting rewards to responsibility, there were still many abuses left in 1785. To some extent, as the contracts charge showed, abuses survived because of the need to provide patronage imposed on Hastings by the confusion into which Company politics had fallen. It is also true that they survived because of Hastings's complacency about earlier and laxer standards. He himself failed to make a large fortune partly because he lacked the avarice of some of his contemporaries, but more because of his inability to manage his affairs and the recklessness with which he permitted his money to be spent at home.

Unlike such men as Lord John Cavendish or George Dempster, Burke did not believe that the British should

¹ Quoted in Sutherland, *East India Company*, p. 298.

² *Parl. Hist.* xxiv. 1168.

³ To J. Stewart, 22 Nov. 1776, printed in *The Times*, 12 Dec. 1928.

⁴ To Cornwallis, — March 1786, P.R.O. 30/11/197, f. 20.

withdraw from India: '... there we are placed by the Sovereign Disposer; and we must do the best we can in our situation. The situation of man is the preceptor of his duty.'¹ Nor was he opposed to the idea that the British connexion with India should be a profitable one for Britain. Hastings was not only accused of crimes against Indians but also of neglecting the interests of the East India Company. In the Ninth Report of the Select Committee, Burke argued that India would be 'radically and irretrievably ruined' if the Company continued to pay for its 'investment' out of its territorial revenues.² At the same time he implied that if the Company's Indian trade could be restored to 'a bottom truly commercial', like its trade with China, it would again be possible for the Company to make a profit without oppressing the inhabitants of its provinces.³

A well-regulated East India trade would, Burke hoped, prove mutually beneficial to Britain and India. But if any conflict of interest arose, India must be put first. He believed that the 'great end for which God alone has vested power in any man' was to govern in the interests of the governed.⁴ The Company's duty to rule Indians justly and 'to pursue their benefit in all things' could never be evaded.⁵ 'The prosperity of the natives must be previously secured, before any profit from them whatsoever is attempted', he wrote in 1783.⁶ With remarkable prescience, he condemned any attempt to mould the economy of India to British needs. In protesting against a scheme to encourage the production of raw silk, he wrote:

The public in England perceived, and felt with a proper sympathy, the sufferings of the Eastern provinces in all cases, in which they might be attributed to the abuses of power exercised under the Company's authority. But they were not equally sensible to the evils, which arose from a system of sacrificing the being of that country to the advantage of this.⁷

This single-minded devotion to the interests of Indians gives Burke a unique position among his contemporaries and would have distinguished him in any period.

¹ 'Speech on Mr. Fox's East-India Bill', *Burke Works*, ii. 197.

² *Ibid.* iv. 31.

³ *Ibid.* iv. 51.

⁵ *Ibid.* i. 13.

⁶ *Burke Works*, iv. 29.

⁴ *Bond*, iv. 383.

⁷ *Ibid.* iv. 64.

Inflexible as Burke's views were, it is an over-simplification to see the impeachment as a conflict between exploitation and the recognition of Britain's responsibility for India. In his Defence before the House of Commons, Hastings refused to admit that he had ever put the benefit of the Company before fair dealing in his foreign policy or before the welfare of Bengal.¹ Not even the most authoritarian of his pamphleteers denied the existence of some sort of obligation to Indians, or resorted to the cynicism of Erskine's speech defending the bookseller Stockdale. 'If our dependencies have been secured, and their interests promoted . . .', Erskine argued, 'it is mad and preposterous to bring to the standard of justice and humanity, the exercise of a dominion founded upon violence and terror.'² Hastings asked to be judged on whether he had acted 'prudently and consistently with the interests of my superiors and of the people whom I governed'.³ In Bengal Hastings had been less confident than he was in the House of Commons that the Company's needs could always be reconciled with the welfare of the Indian population. He had once written that the 'primary exigencies' of the Company conflicted with 'the interests of the people who are subjected to its authority', and he had described this as a radical and incurable defect in British rule in India.⁴ In time of war, the problem was at its most acute. Most contemporaries believed that the line that Hastings had taken in his Defence had been ill-chosen, and it was gradually modified during the trial. His counsel prepared a 'distress brief', 'to show that the periods of time when Mr. Hastings adopted the measures now complained of, were times of great difficulty, distress and imminent danger',⁵ and in 1793 he admitted that he had faced 'a painful choice of contending evils'.⁶ While Burke insisted that the 'law' could never give way to the 'immediate momentary purpose of the day',⁷ Hastings tacitly admitted that, in emergencies, it could.

There is little to suggest that the impeachment of Hastings created a new awareness of India or stimulated a public

¹ See above, p. 41.

² *State Trials*, xxii. 278.

³ *Bond*, ii. 494.

⁴ To Elliot, 10 Feb. 1777, *Gleig*, ii. 149-50.

⁵ Add. MSS. 29222, f. 26.

⁶ Quoted in Feiling, *Warren Hastings*, p. 369.

⁷ *Bond*, iv. 387.

campaign for the reform of abuses. Curiosity about Hastings was intense during the sessions of 1786 and 1787; but once the spectacle of the trial had become commonplace, curiosity gave way to apathy and eventually to widespread hostility to the prosecution. Even when interest in the trial was at its height, little attention seems to have been given to general principles on which India should be governed, rather than to the particular case of Hastings. Many of those who commented on the impeachment expressed themselves baffled by the complexity of the material and unwilling to take sides. Those who did take sides, like the 'Gentlemen of the Somersetshire Society' who drank to 'the Right Honourable Edmund Burke; and our thanks to him for his honest, upright and zealous conduct in the affair of Mr. Hastings, with three',¹ did not often reach their conclusions by informed study of the issues.

Far from being stimulated by the impeachment, public interest in India declined in the 1790's. In 1791, when the opposition were pressing for an inquiry into Cornwallis's war with Mysore, Francis said: 'I am too well acquainted with the disposition of this House and of this country, to expect that objects, so remote as you conceive these to be from your own immediate interests, should be thought worthy of your care.'² After the third Mysore war and the rather perfunctory discussion of the renewal of the Company's charter in 1793, there was no major debate on an Indian issue for more than ten years, until Wellesley's wars did something to focus attention once again on India. In 1804, 1805, and 1806 Francis, Fox, Sheridan, French Laurence, and other veterans of Hastings's impeachment repeated the old adages about the avoidance of war and the primary importance of the Company's commercial functions. Hastings again showed how narrow had been the ground between him and his accusers when he wrote: 'I do not approve of the extension of our territory under the government of Bengal', and described 'the transactions in the Carnatic' as 'a violation of every principle of good faith and justice'.³ A discreditable attempt to impeach Wellesley, made by

¹ *English Chronicle*, 6 June 1786.

² *Parl. Hist.* xxviii. 1278.

³ To Anderson, 14 Oct. 1802, Add. MSS. 45418, f. 116.

James Paull with much conscious imitation of Burke, was kept alive until 1808, almost entirely because it became a bargaining piece in disputes over the appointment of a new Governor-General and in the rivalry of the Court of Directors and the Board of Control.¹ During the debates on Wellesley, speakers frequently commented on the lack of response aroused by Indian questions. Francis observed in 1805: 'In proportion . . . as this empire was extended, it seemed to excite less of the attention either of the House or the public.'² Much of the prominence given to India in the 1770's and 1780's resulted from the degree to which the affairs of the Company had become fortuitously involved in national politics. After 1784 Indian issues lost most of their political significance, and interest in them naturally declined. It had been a remarkable achievement on Burke's part to persuade the House of Commons and a wider public to concern themselves, even if superficially, with an Indian question on its own merits; but the price of success seems to have been disillusion with the later stages of the impeachment and apathy to India in the future.

The second half of this study has shown that some of the charges against Hastings were not without foundation: by most standards, justice to Chait Singh was sacrificed to the needs of the Company, and the same accusation can be brought against Hastings's treatment of the Begams; extravagant contracts had certainly been awarded, and, if Hastings had not benefited from even a small proportion of the money which he was accused of taking, his dealings with Munni Begam and Nobkissen were very questionable. Whatever view is taken of his shortcomings, there can be no doubt of the severity of Hastings's punishment, even though he was acquitted. The physical hardships imposed on him were not very great; his expenses were eventually repaid, his life was not seriously disrupted, and he was able to establish himself at Daylesford. But to Hastings, incapable of seeing that he had any real case to answer or that he was not the victim of lunatics and villains, the humiliation of being

¹ Philips, *East India Company*, pp. 145-9.

² Cobbett's *Parliamentary Debates*, iv. 225.

subjected for seven years to a ferocious prosecution must have been torture. Even Macaulay¹ and James Mill,² who gave full weight to the charges against him, came to the conclusion that Hastings did not deserve his ordeal. If Burke had been able to see Hastings in perspective he would probably have agreed with them. Before the trial began he wrote:

I confess, I partake myself so far of that coarse vulgar, equity, that if I found the general tenour of a man's conduct unexceptionable, I should hardly think the extreme remedies fit to be resorted to on account of some wrong actions during many years continuance in an arduous command.³

It was Burke's tragedy that he could not see Hastings in perspective. To him, Hastings was not a distinguished Company servant perhaps guilty of certain lapses, but 'the Captain-General of iniquity'; and the impeachment was not an attempt to punish these lapses, but a conflict of 'maxims and principles'. Almost as soon as he turned his attention to Bengal, Burke began to acquire a distorted view both of Hastings's record and of his importance. It was virtually impossible for him to obtain dispassionate accounts of events in India or to separate real differences of policy from personal polemics. Francis of course did all he could to show the Company's rule in the gloomiest light and to emphasize Hastings's guilt. Hastings's minutes and dispatches, which described his aims and achievements in grandiose terms, must also have created the impression in Burke's mind that he was personally responsible for whatever happened in India. From Major Scott's appearances before the Select Committee to his challenge in the House of Commons in January 1786, Hastings's allies in England constantly confronted Burke with their claims on Hastings's behalf. Burke later became convinced that the punishment of Hastings was necessary not only for its effect in India but also for its effect in Britain itself. It was not apparent to him, as it must have been to most of his contemporaries, that the part played by

¹ Essay on 'Warren Hastings', *Works*, vi. 637.

² *History of British India*, iv. 519-21.

³ To Francis, 10 Dec. 1785, *Burke Corr.* v. 242.

India in the fall of the Coalition was largely fortuitous. He felt that strong action must be taken against the returned Company servants, who 'not only bring with them the wealth which they have, but they bring with them into our country the vices by which it was acquired'.¹ He regarded such men as the corrupters of the English political system, and later as potential recruits to Jacobinism. After 1784, Burke's conviction that his personal reputation depended on his demonstrating Hastings's guilt finally made it impossible for him to recognize that the impeachment could produce no result that was worth the toll it would exact from him.

If Burke's judgement was disastrously at fault, if even Hastings's severest critics do not believe that he deserved his fate, and if the impeachment was largely irrelevant to the future of British rule in India, Burke's courage, his tenacity, and his devotion to what he believed were the interests of the Indian population are still not open to question. The only blemishes on his idealism seem to be his concern for self-justification and his willingness to use dubious means, such as the report on atrocities at Rangpur,² in a good cause. He launched the impeachment believing that it would achieve no tangible result and aware that it was likely to do him serious harm. His success in the House of Commons was unexpected, but, viewed in retrospect, it would have been better for him had he been defeated. The odds were already heavily against him in the House of Lords, and by his choice of tactics and his refusal to modify his charges he made success virtually impossible. Even though he was looking for an 'honourable retreat' after 1789, he felt compelled to struggle on for another six years. The damage done to him by these years of frustration is incalculable.

¹ *Bond*, ii. 208.

² See above, pp. 84-85.

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Add. MSS. 47561. Correspondence of Charles Fox.
Add. MSS. 33128. Correspondence of Thomas Pelham.
Add. MSS. 48370. Correspondence of George Vansittart.
Add. MSS. 7963. Letter Book of Nathaniel Middleton.
Egerton MSS. 250. Cavendish reports of debates, 1773.

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European MSS.

- MS. Eur. E. 13-19, 21, 23, 47; MS. Eur. D. 20, 24, 25; MS. Eur. F. 5-7;
MS. Eur. G. 4. Papers and correspondence of Philip Francis.
MS. Eur. D. 11, 12, 17; MS. Eur. E. 6-9; MS. Eur. F. 2-3; MS. Eur. G. 3. Correspondence of the Fowke family.
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MS. Eur. G. 9. Correspondence of Nathaniel Middleton.

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 P.R.O. 30/11/197. Hastings's notes of advice to Lord Cornwallis.
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 C.O. 77/24, 77/25. Secretary of State's Indian papers.
 P.M.G. 1/104. Correspondence of William Burke with Lord Cornwallis.

BODLEIAN LIBRARY

- MS. Eng. Hist. b. 190; MS. Eng. Hist. c. 269-71. Correspondence of Laurence Sullivan.
 MS. Eng. Hist. c. 17, 20, 22-25. Impeachment papers of French Laurence.
 Dep. b. 96-97, 102-3. Correspondence of George Vansittart.
 Burges MSS. Papers of James Bland Burges (unsorted).

SHEFFIELD CITY LIBRARY

- Burke MSS. (Sheffield). Correspondence, etc., of Edmund Burke, including photostats of letters at Northampton.

NORTHAMPTONSHIRE RECORD OFFICE

- Burke MSS. (Northants.). Drafts, notes, etc., of Edmund Burke.

THE NATIONAL LIBRARY OF SCOTLAND

- Minto MSS. Correspondence of Sir Gilbert Elliot.

SCOTTISH RECORD OFFICE, EDINBURGH

- Kinross House MSS. 2056-2140. Correspondence of George, John, and Thomas Graham.

JOHN RYLANDS LIBRARY, MANCHESTER

R. MS. Eng. 173, 177-9, 179a, 183, 185, 187-97. Correspondence, etc., of Richard Johnson.

MANUSCRIPTS OF PROFESSOR C. H. PHILIPS, DIRECTOR OF THE SCHOOL OF ORIENTAL AND AFRICAN STUDIES

Macpherson MSS. Correspondence, etc., of John Macpherson.

BARCLAYS BANK (GOSLINGS' BRANCH), 19 FLEET STREET

Accounts of Warren Hastings and his wife and of Major John Scott.

HOUSE OF LORDS RECORD OFFICE

House of Lords MSS. 13 Feb. 1788, 2a-8a. Miscellaneous impeachment papers.

THE LIBRARY OF LINCOLN'S INN

56 vols. of printed and manuscript papers, reports, minutes, etc. [in nearly every case duplicated elsewhere].

LINCOLNSHIRE ARCHIVES OFFICE

Monson MSS. A few letters of Colonel George Monson.

EAST SUFFOLK COUNTY RECORD OFFICE, IPSWICH

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Wherever possible, the *Parliamentary History of England, from the earliest period to the year 1803* has been used for debates on the charges against Hastings. Some debates are reported more fully in J. Debrett's *The Parliamentary Register* . . . and in *The India Courier Extraordinary: Proceedings of Parliament relating to Warren Hastings, Esq.*, compiled by Major Archibald Mitchell (1786-7), vols. ii and iii. The charges, articles of impeachment, and Hastings's Defence and Answer can be found in the *Journals of the House of Commons* and the *Journals of the House of Lords*. During 1786 and 1787 the House of Commons examined witnesses and ordered the printing of a large number of the Company's records to supplement those documents already in print in the appendixes to the reports of the Select and Secret Committees of the House of Commons of 1781-3 (*Reports from Committees of the House of Commons*, 1803-6). For the purposes of this study, references to the documents printed in 1786-7 have been taken from a collection in the India Office Library bound in three volumes as *Papers Relative to Hastings's Impeachment* with added pagination. The same documents can be found in *Parliamentary Papers Printed by Order of the House of Commons: From the Year 1731 to 1800*, vols. 68-73, 75-76; in the India Office Library Record Department (*Parliamentary Branch*) papers, collections 8, 20, and 21; and in *The India Courier Extraordinary* . . ., vols. iv-x.

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